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DEVELOPMENT AND APPLICATION OF A PERMIT INFORMATION SYSTEM FOR SHALE OIL
(PERMISSO)

FINAL REPORT APPENDIX
SUMMARY SHEETS OR REGULATIONS REQUIRED FOR OIL SHALE DEVELOPMENT

FINAL REPORT FOR THE PERIOD
June 1978 - May 1979

July 1979

Work performed under Contract 31-109-38-3764; WO 79-007

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TECHNICAL INFORMATION CENTER
UNITED STATES DEPARTMENT OF ENERGY

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DEVELOPMENT AND APPLICATION OF A PERMIT INFORMATION
SYSTEM FOR SHALE OIL
(PERMISSO)

FINAL REPORT
APPENDIX

SUMMARY SHEETS OF REGULATIONS
REQUIRED FOR OIL SHALE DEVELOPMENT

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JULY 1979

PREPARED AT THE REQUEST OF
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AND SPONSORED BY THE DIVISION OF FOSSIL FUEL EXTRACTION/
LARAMIE ENERGY TECHNOLOGY CENTER
UNDER CONTRACT 31-109-38-3764, W.O. 79-007

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PREFACE

This appendix is comprised of summaries of various governmental permits, licenses and other approvals required for oil shale development. The summaries were completed during the period June-October, 1978, and are current as of July 1, 1978, although more recent authority was cited in some cases. One of the major purposes of Phase II of the project will be to update these summaries as statutes and regulations are added, changed or eliminated. This updating will be particularly important in the case of environmental permits and approvals. Many legislative and regulatory changes affecting environmental requirements are pending at this time and will alter many of the summaries herein. In addition, many regulatory proposals have been or likely will be challenged in the courts. When such conflicts are resolved further changes may be in order.

Thus far the summaries have been based on a literal reading of statutes and regulations, rather than on an exhaustive legal review of past court decisions and internal agency policies which may affect the scope or applicability of enabling legislation or rules. The summaries are a mechanism to alert an operator to the potential existence of a permit or other requirement. When in doubt as to the applicability of a specific approval, the authors have tried to err on the side of caution and include a summary. In order to actually obtain any approval, an operator should scrutinize the authority carefully, and attempt to determine whether any external factors such as interpretive court decisions will alter the apparent meaning of the authority, and as a result its applicability to a project.

Above all, the reader should bear in mind that Phase I of the project was an initial attempt to identify approval requirements. These will be analyzed further in Phase II. The summaries have not been validated to demonstrate their applicability to any specific project, a step that also is part of Phase II. There are several summaries which do not represent permits or approvals as such, but which were included solely as reference points to aid in future automation of the system. In addition, it is possible that the authors have omitted some approval requirements

that would be applicable. Those omissions will be ascertained only after the system has been validated in Phase II. Any user is therefore advised to use the appendix with caution, and to consult technical and legal staff before commencing any project that may involve governmental approvals of any type.

This set of permit information summary sheets was compiled by Science Applications, Inc., and the law firm of Holland and Hart, Denver, as part of a program to organize oil shale permitting data into a meaningful and logical manual information system. See par. 4.3 of the final report for an explanation of the format and application of the contents of this Appendix. The numbering sequence of information summaries in this Appendix is as follows:

Federal:	01000 - 01999
Colorado:	02000 - 02999
Utah:	03000 - 03999
Wyoming:	04000 - 04999
All Counties:	05000 - 19999

Table I and Table II of this appendix provide cross references between Figure 10 found in the main body of this report, the Generic Flow Chart for the Western Oil Shale Permitting Process, and the permit summaries contained in the Appendix.

TABLE I

<u>Flow Chart</u> <u>I.D. Number</u>	<u>Location on Figure 10., Vol. I</u> <u>(Generic Flow Chart)</u>	<u>I.D. Number in</u> <u>This Appendix</u>
4	1B	01260
5	2C	03255, 02255
14	9C	01509, 01511
15	9B	01425
19	1C	03420, 04420
20	1E	04263
21	1E	03860
23	1F	04360
24	1G	04363
25	3C	02257
26	3D	02260
28	3F	02420, 02435
30	4F	02360
35	5E	04731, 03733, 02729
37	8C	01422
38	7E	01422
39	8E	01422
41	7E	01095
42	6F	01404
43	2G	Vol.I, par.4.2
46	1H	Vol.I, par.4.2.1.1
47	1I	Vol.I, par.4.2.1.1
48	2H	2055, 2056, 3051
49	3H	01065
51	3J	01030
53	4H	01030
57	6J	02275
59	7H	02104, 04104, 01113
60	7I	03113, 04113
61	7J	03822, 03823
62	7H	03118
63	7I	02820, 03820
65	8J	01468
66	8H	02810, 01431, 03810
67	8I	02433, 02432
69	8H	see 242-248
70	8I	01871, 01872, 01873
72	9F	01870
74	9F	01430
76	8G	01433
77	8G	03250
78	9F	01447
79	10F	01432
80	6H	01435
83	4I	02998
		01447

TABLE I

<u>Flow Chart</u> <u>I.D. Number</u>	<u>Location on Figure 10, Vol. I</u> <u>(Generic Flow Chart)</u>	<u>I.D. Number in</u> <u>This Appendix</u>
84	4L	03733
91	4L	03733, 04732
92	2K	01065
93	2L	01065
96	5L	01350
98	4N	01350
99	40	01350
100	50	01350
101	1I	02005, 03005, 04005
102	1J	04012, 02005
103	1J	01009
104	1K	04012, 01009
107	9H	03825
111	10J	04960
112	6I	18994
113	9K	02875, 03875
114	9K	02880
115	5K	01265
119	7K	04360
123	7M	01034
127	8M	03093, 03401
128	8M	01478
131	80	01463, 01464
132	80	01401
134A	9M	02802
135	90	01488
136	9P	03488, 04488
137	9P	01601
139	8P	01458
142	7Q	01453, 01454
144	8Q	01473
154	9N	01856
155	10N	01856
156	10M	10869, 01870
158	10R	02401
159	10R	02403
162	6P	01082
163	5P	01080
164	5P	01085
165	4P	01078
166	4P	01083
167	7N	01265
169	6P	01265
170	6Q	01854
171	6Q	02251, 03250, 03251
		03353, 04253
173	70	04104, 01113, 03113
		04113

TABLE I

<u>Flow Chart</u> <u>I.D. Number</u>	<u>Location on Figure 10, Vol. I</u> <u>(Generic Flow Chart)</u>	<u>I.D. Number</u> <u>This Appendix</u>
175	5R	03091
175A	5R	03090
175B	5R	03105, 03113, 03114
177	4R	01086
178	4S	01088
180	3S	04092
181	4M	02742
182	4N	02734, 03734, 02732
183	4M	01032
186	3M	01038
188	3N	02089
192	3O	01103
195	2O	02057, 03051, 04057
196	2P	01031
197	4Q	02030
199	4P	03735
201	2Q	02740
202	3R	04046
203	2Q	04740
212	5S	04258
213	6S	02036
214	5T	04047
215	6T	02058
217	5T	04021
218	5U	02026, 04042
220	6V	02046
222	6V	01089
223	1T	03046
225	5U	01048
227	4U	02021
230	3U	02041
233	1L	02011, 03011, 04005
234	1L	02011, 04009, 03011
236	1O	02001.01
237	10S	01856
239	9S	02860
241	8S	03851
244	7T	03312
245	7T	01818
249	7V	01055
250	7V	04048
254	3V	01021, 01043
255	3V	03021
256	2V	03051
257	5V	01818
258	4V	02950, 04960
259	4X	04260

TABLE I

<u>Flow Chart</u> <u>I.D. Number</u>	<u>Location on Figure , Vol. I</u> <u>(Generic Flow Chart)</u>	<u>I.D. Number in</u> <u>This Appendix</u>
261	7W	01026
263	4W	02601
264	3W	02303
265	3W	02935
266	2W	02960
267	2W	02274
268	2X	02300
269	2X	02325
272	4X	03051, 04040, 02056
273	1U	03729
275	1P	02011, 03011, 04005
277	1R	02014, 03014, 03332
279	1T	02015
280	1U	02001.07
283	8T	01310
284	8T	02310, 03309
286	9T	03310, 02315
290	9U	04313
291	10U	04313
293	9W	02281
294	9W	01266, 04262
295	10V	01268, 04262
296	9X	02280, 04259, 03280
299	8V	04270
300	8W	03257
301	8X	02811
304	8Z	03262
306	7Y	04264
307	9Y	01267
308	9Y	01269
309	8Z	01856
311	1V	04735
313	1X	04848, 03022
314	1W	01033
317	1Y	03737
318	10Y	01602
319	10Y	03812

TABLE II

<u>I.D. Number in This Appendix</u>	<u>Location on Figure 10, Vol. I (Generic Flow Chart)</u>	<u>Flow Chart I.D. No.</u>
1002	1H	46
1005	N/A ¹	
1009	1J, 1K	103, 104
1021	3V	254
1025	N/A ¹	
1026	7W	261
1030	3J, 4H	51, 53
1031	2P	196
1032	4M	183
1033	1W	314
1034	7M	123
1038	3M	186
1040	N/A ¹	
1043	3V	254
1045	N/A ²	
1048	5U	225
1055	7V	249
1065	3H, 2K, 2L	49, 92, 93
1078	4P	165
1080	5P	163
1082	6P	162
1083	4P	166
1085	5P	164
1086	4R	177
1088	4S	178
1089	6V	222
1095	7E	41
1102	N/A ¹	
1103	3O	192
1104	N/A ¹	
1113	7H, 7O	59, 173
1260	1B	4
1265	5K, 7N, 6P	115, 167, 169
1266	7M, 7N, 9W	167, 169, 294
1267	9Y	307
1268	10V	295
1269	9Y	308
1310	8T	283
1350	5L, 4N, 4O, 5O	96, 98, 99, 100
1400	N/A ¹	
1401	8O	132
1402	N/A ¹	
1404	6F	42
1412	N/A ¹	
1414	7I	77
1415	N/A ¹	
1420	N/A ¹	
1421	N/A ¹	
1422	8C	37, 38, 39
1425	9B	15
1430	9F	72
1431	7J	65
1432	9F	78
1433	9F	74

TABLE II

<u>I.D. Number in This Appendix</u>	<u>Location on Figure 10, Vol.I (Generic Flow Chart)</u>	<u>Flow Chart I. D. No.</u>
1435	10F	79
1439	10M	refer to 131
1447	8G, 4I	77, 83
1453	7Q	142
1454	7Q	142
1458	8P	139
1463	8O	131
1464	8O	131
1468	7I	63
1473	8Q	144
1478	8M	128
1488	9O	135
1500-1542	9C	refer to 14
1601	9P	137
1602	10Y	318
1818	8T, 5B	245, 257
1854	6Q	170
1856	9N, 10N, 10S, 8Z	154, 155, 237
1869	10M	156
1870	8I, 10M	70, 156
1871	8H	69
1872	8H	69
1873	8H	69
2001.01	1O	236
2001.07	1U	280
2005	1I, 1J	101, 102
2011	1L, 1L, 1P	233, 234, 275
2014	1R	277
2015	1T	279
2021	4U	227
2026	5U	218
2030	4Q	197
2036	6S	213
2041	3U	230
2043	N/A ¹	
2046	6V	220
2055	2H	48
2056	2H, 4X	48, 272
2057	2O	195
2058	6T	215
2089	3N	188
2104	7H	59
2251	6Q	171
2253	6Q	171
2255	2C	5
2257	3C	25
2260	3D	26
2274	2W	267
2275	6J	57
2280	9X	296
2281	9W	293

TABLE II

<u>I.D. Number in This Appendix</u>	<u>Location on Figure 10, Vol. 1 (Generic Flow Chart)</u>	<u>Flow Chart I.D. Number</u>
2300	2X	268
2303	3W	264
2310	8T	284
2315	9T	286
2325	2X	269
2360	4F	30
2401	10R	158
2403	10R	159
2420	3F	28
2432	8H	66
2433	8H	66
2435	3F	28
2601	4W	263
2729	5E	35
2732	4N	182
2733	N/A ²	
2734	4N	182
2737	4D	refer to 33
2739	N/A ¹	
2740	2Q	201
2741	N/A ²	
2742	4M	181
2802	9M	134A
2810	7J	65
2811	8X	301
2816	N/A ²	
2817	N/A ²	
2820	7H	62
2860	9S	239
2875	9K	113
2880	9K	114
2935	3W	265
2950	4V	258
2960	2W	266
2998	N/A ¹	
2999	N/A ¹	
3005	1I, 1J	101, 102
3011	1L, 1L, 1P	233, 234, 275
3014	1R	277
3021	3V, 7V	255, 272
3022	1X	313
3046	1T	223
3051	2O, 2V, 4X	195, 256, 272
3089	3G	48
3090	5R	175A
3091	5R	175
3093	8M	127
3105	5R	175B
3112	6O	175B
3113	5R	173, 175B
3114	5R	175B
3118	7J	61
3250	8G, 6Q	76, 171
3251	6Q	171
3255	2C	5

TABLE II

<u>I.D. Number in This Appendix</u>	<u>Location on Figure 10, Vol. I (Generic Flow Chart)</u>	<u>Flow Chart I.D. Number</u>
3257	8W	300
3262	8Z	304
3280	9X	296
3309	8T	284
3310	9T	286
3312	7T	244
3332	1R	277
3401	8M	127
3420	1C	19
3488	9P	136
3729	1U, 4L	273
3733	4L, 5E	84, 91, 35
3734	4N	182
3735	4P	199
3736	N/A ²	
3737	1Y	317
3738	N/A ²	
3739	N/A ²	
3810	7J	65
3812	10Y	319
3820	7H	62
3822	7I	60
3823	7I	60
3825	9H	107
3851	8S	241
3855	N/A ²	
3860	1E	21
3875	9K	113
3998	N/A ¹	
3999	N/A ¹	
4002	1H	46
4005	1I, 1L, 1P	101, 233, 275
4009	20	234
4012	1J, 1K	102, 104
4013	1V	275
4021	5T	217
4023	N/A ²	
4040	4X	272
4042	5U	218
4043	N/A ¹	
4046	3R	202
4047	5T	214
4048	7S, 6X	250, 313
4049	3U	228
4057	20	195
4089	2Q	188
4092	3S	180
4104	7H, 7O	59, 173
4113	7H, 7O	59, 173
4122	N/A ²	
4253	6Q	171
4257	9Y	296
4258	5S	212
4259	9X	296
4260	4X	259

TABLE II

<u>I.D. Number in This Appendix</u>	<u>Location on Figure 10, Vol. I (Generic Flow Chart)</u>	<u>Flow Chart I.D. No.</u>
4262	10V, 9W	295, 294
4263	1E	20
4264	7Y	306
4270	8V	299
4271	N/A ²	
4313	9U	290
4360	1F, 7K	23, 119
4363	1G	24
4401	11R	158
4420	1C	19
4488	9P	136
4731	3D	35
4732	4L	91
4735	1V	311
4736	N/A ²	
4739	N/A ²	
4740	2Q	203
4818	10U	291
4848	1X	313
4960	10J, 4V	111, 258
4999	N/A ¹	

N/A - Non-applicable

¹ Included for general guidance only; not associated with a single, specific permit.

² Special-purpose or limited-applicability permitting element; not proper for a generic permitting chart.

- A. NAME OF PERMIT: Prevention of Significant Deterioration (PSD) of Air Quality Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7475 (§ 165)

The statute requires that a permit be obtained for any new or modified major emitting facility wherever constructed, which will affect air quality in an area of the country in which air is cleaner than the national ambient air quality standards.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Parts 51 and 52.

40 C.F.R. § 52.21 (current) details the PSD regulations in force prior to the 1977 Clean Air Act Amendments.

The new regulations were promulgated by the EPA on June 19, 1978. These regulations will be codified at 40 C.F.R. § 52.21, to replace those in force prior to the 1977 amendments. These regulations currently are under court challenge in the District of Columbia Circuit Court of Appeals. Their final disposition, and their effect upon mining operations, thus will not be known definitively until the lawsuit is completed.

The newly-promulgated PSD regulations include a section to be codified at 40 C.F.R. § 51.24. This section sets forth the requirements that revised State Implementation Plans (SIP) must include in order for a state to take over responsibility with regard to the PSD program. The final SIP requirements and regulations won't become known until the challenge to the PSD regulations has been concluded.

- F. PRECEDENT PERMITS/EVENTS: Monitoring Plan
- G. APPLICATION/PREREQUISITE REQUIREMENTS: One year's monitoring and normal three months' design, setup, and check-out of monitoring system.

- A. NAME OF PERMIT: New Source Performance Standards (NSPS) - Notification of Construction
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7411 (§ 111)

Under this section, new or modified sources under any of certain categories must meet standards of performance established in the EPA regulations. Under this section, various states may take over responsibility from the EPA over administering the NSPS program.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 60

Under this Part, NSPS have been established for several categories of new sources. New categories of sources are added from time to time as research of performance standards allows.

Under § 60.7, the EPA and a state administering the program must be notified prior to construction of a source falling under these categories. In addition, the date of start up, the existence of a physical or operational change in such a source, and demonstration that a continuous monitoring system has been established must be indicated to the EPA and the state. Also, those entities must be notified after any period of excess emissions from such a source.

Under § 60.8, a report of performance tests conducted at the construction of such a source is sent to the EPA.

- F. PRECEDENT PERMITS/EVENTS: All construction or other permits that must be obtained prior to actually constructing or modifying the source falling under these regulations must be obtained prior to notification under this section. These include items such as a PSD permit or a permit to construct in a non-attainment area for air pollutants.

01007

- A. NAME OF PERMIT: Permits to Construct, National Emission Standards for Hazardous Air Pollutants (NESHAPS)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7412 (§ 112)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 61

Part 61 details the regulations for the NESHAPS program.

As in the new source performance standards regulations, NESHAPS sets forth standards for specific pollutants which are considered hazardous. Sections 61.07 and 61.08 detail procedures for obtaining a permit prior to construction of a source that will include one of these pollutants.

New pollutants are added from time to time.

States may take control over the NESHAPS program. If so, all information that would be required to be submitted to the EPA will be submitted instead to the state. Under 40 C.F.R. § 61.04, states may take control over some portions of the NESHAPS program, that is, certain pollutants, while leaving control of other sources and pollutants to the EPA.

Also relevant is § 61.22, which states that the construction of roadways using asbestos-containing materials is prohibited.

At the present time there are no materials subject to control under this program which would appear to be emitted during oil shale mining or retorting, or associated activities. However, new pollutants may be added that would be applicable.

- F. PRECEDENT PERMITS/EVENTS: PSD or Non-attainment Area Construction Permits

01009

- A. NAME OF PERMIT: Construction Permit for Non-Attainment Area
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.13,15,25,34.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7503 (§ 173)

This section provides that a permit be obtained for the construction and operation of a new or modified major stationary source in any "non-attainment area," which is defined as being an area in which the national ambient air quality standard for any air pollutant has not yet obtained.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. §§ 81.300 through 81.356 (43 Fed. Reg. 8962 (March 3, 1978))

These regulations detail the areas that are non-attainment.

(44 Fed.Reg. 3274 (Jan. 16, 1979)) Each state must submit state implementation plan revisions by January 1, 1979 that will allow such state to undertake authority over the non-attainment provisions of the Clean Air Act.

- F. PRECEDENT PERMITS/EVENTS: Monitoring plan and computer modeling
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: To obtain a permit, it must be indicated that the proposed source will obtain the "lowest achievable emission rate" with regard to any pollutant. Also, the intended source must indicate that sufficient off-sets are available from other sources in the area such that the added emissions caused by the new or modified facility will not increase air pollution in the area on an overall basis. All other sources operated or owned by the owner or operator of the proposed new or modified source must be in compliance or on schedule for compliance with all applicable emission limitations and standards under the Clean Air Act. In addition, the implementation plan for non-attainment areas must be in force and being carried out in order for any new source to be constructed after July 1, 1979.

- A. NAME OF PERMIT: NPDES Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Water Act (NPDES), 33 U.S.C. § 1342

33 U.S.C. § 1342(a)(1) gives the Administrator of the EPA the power, after opportunity for public hearing, to issue a permit for the discharge of any pollutant, or combination of pollutants, upon condition that such discharge will meet all applicable requirements under the Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary. Section 1342(a)(2) authorizes the Administrator to prescribe conditions for such permits, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.

33 U.S.C. § 1342(b) and (c) provides guidelines for each state desiring to administer its own permit program for discharges into navigable waters within its jurisdiction and for the suspension of the Federal program upon submission of the state program.

Pursuant to § 1342(d)(1), each state must transmit to the Administrator a copy of each permit application received by such state and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such state. The Administrator may object to the issuance of a permit, and upon request of the state, must hold a public hearing. If the state does not resubmit such permit revised to meet such objection within 30 days after completion of the hearing, or, if no hearing is requested within 90 days after the date of such objection, the Administrator may either issue or reject the permit.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Parts 123, 124, 125, and 129

40 C.F.R. Part 123 provides for state certification of activities requiring a federal license or permit.

40 C.F.R. Part 124 establishes guidelines specifying procedural and other elements which must be present in a

state or interstate program in order to obtain approval of the Administrator of the EPA. 40 C.F.R. § 124.11(b) states that such programs may exclude from the requirement of obtaining an NPDES permit water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located and if such state determines that such injection or disposal will not result in the degradation of ground or surface water resources.

Section 124.21 requires the NPDES permit applicant to complete, sign, and submit a Short Form C if: (1) the discharges from the facility have a total volume of 50,000 gallons on any day of the year; or (2) the discharges contain toxic pollutants. An applicant must complete, sign and submit the appropriate standard form if the EPA Regional Administrator or the director of the state water pollution control agency or interstate agency determines that such submission is necessary to determine whether or not and upon what conditions a permit should be issued for the discharges identified in the short form.

40 C.F.R. Part 125 prescribes the policy and procedures to be followed in connection with applications for federally issued permits authorizing discharges into the navigable waters, the waters of the contiguous zone, and the oceans, during the periods that the Administrator of the EPA is authorized to issue such permits.

Navigable waters include, among others, tributaries of navigable waters of the United States and intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes.

Section 125.15 provides that certification may be required from the state in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the Clean Water Act of 1977. Where certification is required, no license or permit shall be granted until the certification has been obtained or has been waived. A waiver occurs when the certifying agency fails or refuses to act on a request for certification, within a reasonable period of time (not to exceed one year) after receipt of such request. Three months is generally considered to be a reasonable period of time.

40 C.F.R. Part 129 applies to owners or operators of specified facilities discharging into navigable waters. Toxic pollutants regulated under this part include aldrin/dieldrin, DDT, endrin, toxaphene, benzidine and polychlorinated biphenyl (PCB). Notice must be given to the Regional Administrator or State Director at least 60 days prior to a discharge subject to any toxic pollutant effluent standard.

H. PROCESSING REQUIREMENTS:

3. Hearing Requirements/Notice: 30 days notice; hearing if "significant public interest."

I. NATURE OF APPROVAL:

2. Duration of Permit: 5 years maximum.

01025

- A. NAME OF PERMIT: Standards of Performance for New Sources
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency
- D. AUTHORITY: Clean Water Act, 33 U.S.C. § 1316 (§ 306)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Parts 401-460

40 C.F.R. Parts 401 through 460 contain regulations potentially applicable to sources that are parts of a project as follows: Part 402, cooling water intake structures; Part 419, petroleum refining point source category; Part 423, steam electric plant generating point source category; Part 436, mineral mining and processing point source category (Sub-Parts A and D include oil shale); and 40 F. R. 51738, proposed or mining and dressing guidelines.

- A. NAME OF PERMIT: Toxic Substance Requirements
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA)
- D. AUTHORITY: Clean Water Act, 33 U.S.C. §§ 1251 et seq.

33 U.S.C. § 1317 deals with the establishment and revision of toxic and pretreatment effluent standards. Section 1317(b)(1) states that the Administrator of the EPA shall publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than 90 days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 129

40 C.F.R. Part 129 contains toxic pollutant effluent standards and prohibitions and applies to owners or operators of specified facilities discharging into navigable waters. Toxic pollutants regulated under this part include aldrin/dieldrin, DDT, endrin, toxaphene, benzidine, and polychlorinated biphenyl (PCB). Notice must be given to the Regional Administrator or State Director at least 60 days prior to a discharge subject to any toxic pollutant effluent standard.

01030

- A. NAME OF PERMIT: Dredge-and-Fill Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: U.S. Army Corp. of Engineers or State
- D. AUTHORITY: Clean Water Act, 33 U.S.C. § 1344 (§ 404)
- E. APPLICABLE REGULATIONS/STANDARDS: 33 C.F.R. Part 323 and Instructions in Engineers Pamphlet 1145-2-1

The Army Corp. of Engineers regulations are set forth at 33 C.F.R. Part 323. The procedural requirements are set forth at 33 C.F.R. Part 325. A definition of the term "navigable waters" is set forth at 33 C.F.R. Part 329.

Instructions in Engineers Pamphlet 1145-2-1 (a Guide for Applicants), is used to prepare the permit of NEG Form 4345.

- F. PRECEDENT PERMITS/EVENTS: State certification pursuant to § 401 of the Clean Water Act.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A state may take over control of § 404 permit requirements. If the Corp. of Engineers retains authority, an environmental impact statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA) is required pursuant to 33 C.F.R. § 325.4. The EIS must be prepared unless the District Engineer determines that the proposed project will not significantly affect the quality of the human environment. In that case, an environmental assessment is required pursuant to § 325.4(b)(2).
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: One, plus original and two copies of detailed facility plans.
 - 2. Staff Review Time: 120 days, nominally.
 - 3. Hearing Requirements/Notice: See § 325.3.
 - 4. Fee Schedule/Bond: For commercial projects, a fee of \$100 is charged (§ 325.1(f)).

I. NATURE OF APPROVAL:

1. Form of Approval: Section 325.5 sets forth the form, the basic format to follow ENG Form 1721 (Appendix A of 33 C.F.R. Part 325).
2. Duration of Permit: Section 325.6 indicates that authorizations continue in effect until automatically expiring, or modified, suspended or revoked. Section 325.7 details modification, suspension or revocation procedures.
4. Reviews/Monitoring: Section 325.9 sets forth requirements for supervision.

01031

- A. NAME OF PERMIT: Permit for Dam or Dike in Navigable Waters of U.S.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.0
- C. AGENCY: U.S. Army Corps of Engineers
- D. AUTHORITY: 33 U.S.C. § 401 (Section 9 of River and Harbor Act of 1899). No dam or dike may be built across any navigable water of the United States without Congressional consent and approval by the Secretary of the Army and COE.
- E. APPLICABLE REGULATIONS/STANDARDS: 33 C.F.R. Part 321, 33 C.F.R. Part 320 (general policies) and 33 C.F.R. Part 323 (dredge-and-fill permits - see 01030) also apply. The term "navigable waters of the United States" is defined more completely at 33 C.F.R. Part 329. "Dam" and "dike" are both defined to mean structures that completely span a navigable waterway. If the navigable waterway is completely within the boundaries of one state, the appropriate state legislature may give the approval. Enforcement provisions are at 33 C.F.R. Part 326.
- H. PROCESSING REQUIREMENTS: 33 C.F.R. Part 325 sets forth the processing requirements for all Department of the Army permits (see 01030).
- I. NATURE OF APPROVAL: See 33 C.F.R. Part 325 (see 01030).

- A. NAME OF PERMIT: Permit for Structure or Work in or Affecting Navigable Waters of the U.S.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: U.S. Army Corps of Engineers
- D. AUTHORITY: 33 U.S.C. § 403 (Section 10 of River and Harbor Act of 1899). No construction in or above any navigable water of the United States which obstructs or may affect interstate or foreign commerce may take place without authorization by the Secretary of the Army on recommendation of the Chief of Engineers.
- E. APPLICABLE REGULATIONS/STANDARDS: 33 C.F.R. Part 322. 33 C.F.R. Part 320 (general policies) and 33 C.F.R. Part 323 (dredge-and-fill permits) also may apply. The terms "structures" and "works" are defined to include "any pier, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, jetty, permanent mooring structure, power transmission lines, permanently moored floating vessels, piling, aids to navigation . . . dredging or disposing of dredged material, excavation, filling or other modification . . ." A permit is required before a canal or other artificial waterway may be connected to a navigable water of the U.S. Enforcement provisions are at 33 C.F.R. Part 326. Public hearings are described at 33 C.F.R. Part 327.
- H. PROCESSING REQUIREMENTS: See 33 C.F.R. Part 325 (see 01030). Further requirements are set forth at 33 C.F.R. § 322.5.
- I. NATURE OF APPROVAL: Letter of permission, individual permit, general permit or nationwide permit (33 C.F.R. § 322.2).

01033

- A. NAME OF PERMIT: Procedures for Notification in Event of Oil or Hazardous Material Spill
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency, U.S. Coast Guard
- D. AUTHORITY: Clean Water Act, 33 U.S.C. §§ 1251 et seq. (§ 1321(j)(1)(A) and (m))
- E. APPLICABLE REGULATIONS/STANDARDS: 33 C.F.R. Part 153

33 C.F.R. Part 153 prescribes regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances, the procedures for the removal of the discharge of oil, and the costs that may be imposed or reimbursed for the removal of such discharge.

Section 153.203 identifies the procedure for the notice of discharge of oil or a hazardous substance. Section 153.205 states that any person who fails to notify the appropriate agency immediately of a discharge is, upon conviction, subject to a fine of not more than \$10,000, or to imprisonment of not more than one year, or both.

- A. NAME OF PERMIT: Approval of Spill Prevention Control and Countermeasures Plan
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency, U.S. Coast Guard
- D. AUTHORITY: Clean Water Act, 33 U.S.C. § 1321 (§ 311)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Parts 112, and 116-119

40 C.F.R. Part 116 details the non-oil hazardous wastes regulated by the provisions of § 311. Preliminary listings of hazardous waste materials are located at 43 F. R. 10474 (March 13, 1978), and 43 F. R. 10506 (March 13, 1978). It is unlawful to discharge hazardous wastes listed in these parts unless the discharge is made pursuant to a valid NPDES permit, dredge-and-fill permit or other valid permit.

Hazardous substances are designated at 40 C.F.R. Part 116. The removability attributes of such substances are discussed at Part 117. Harmful quantities are set forth at Part 118. The rates of penalty charged for discharging such substances are set forth at Part 119.

33 C.F.R. Part 112 details regulations requiring approval of a Spill Prevention Control and Countermeasures Plan (SPCC). Such plans are required pursuant to § 311(j)(1)(C) of the Clean Water Act.

- F. PRECEDENT PERMITS/EVENTS: NPDES or Dredge-and-Fill Permit.

- A. NAME OF PERMIT: Approval Under Area-Wide Management Programs
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.12,13,14,15, 20,32,34,35.0
- C. AGENCY: Local Planning Agent
- D. AUTHORITY: Clean Water Act, 33 U.S.C. §§ 1251 et seq.

33 U.S.C. § 1288 deals with the implementation of area-wide waste treatment management plans. It also identifies procedures for designation of areas having substantial water quality control problems. To date (October, 1978) no area plans have been approved by the Environmental Protection Agency.

Delta, Garfield, Mesa, Moffat and Rio Blanco counties in Colorado, all Utah Counties and Lincoln, Uintah and Sweetwater counties in Wyoming presently participate in area-wide management plans. Lincoln, Uintah and Sweetwater counties in Wyoming are presently in the Southwest Association. The plan for the Southwest Association is in the final stages of approval; a meeting is scheduled for November 21, 1978, for final technical approval, prior to certification of the plan. The three Wyoming counties have passed a resolution asking that responsibilities for area-wide management planning in those counties be assumed by the State.

- E. APPLICABLE REGULATIONS/STANDARDS: Regulations are dealt with separately, by the area-wide planning agency.
- F. PRECEDENT PERMITS/EVENTS: Permit to discharge into Stream
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Plans will be administered largely under the NPDES program.

01040

- A. NAME OF PERMIT: Prohibition Against Oil Discharge
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA)
- D. AUTHORITY: Clean Water Act, 33 U.S.C. §§ 1251 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 110

40 C.F.R. Part 110 applies to the discharge of oil into or upon the waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone.

Section 110.1 defines "oil" as any kind of oil or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

"Contiguous zone" means the entire zone established or to be established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Section 110.5 states that no person, including individuals, firms, corporations, associations and partnerships, shall discharge or cause or permit to be discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone any oil, in harmful quantities except as the same may be permitted in the contiguous zone under Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil.

01043

- A. NAME OF PERMIT: Water Quality Standards for Colorado River Basin
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA)
- D. AUTHORITY: Clean Water Act, 33 U.S.C. §§ 1251 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 120

40 C.F.R. Part 120 contains water quality standards and identifies State-adopted water quality standards which the Administrator of the EPA has determined meet the criteria of the Clean Water Act.

Section 120.5 relates to the Colorado River System salinity standards and implementation plan. "Colorado River System" means that portion of the Colorado River and its tributaries within the United States.

Section 120.5(b) states that it shall be the policy that the flow weighted average annual salinity in the lower main stem of the Colorado River System be maintained at or below the average value found during 1972. Colorado, Utah and Wyoming, among others, are required to submit for approval to the EPA water quality standards for salinity and a plan to achieve compliance with the standards as expeditiously and practicably as possible.

The seven Colorado River Basin states established a forum which drafted a report on salinity standards. Individual states will implement the requirements, generally through the NPDES program.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: NPDES permits (See 01021.)

01045

- A. NAME OF PERMIT: Thermal Component of Discharge Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA) or State
- D. AUTHORITY: Clean Water Act, 33 U.S.C. § 1326 (§ 316)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 122

The program set forth under this part is administered pursuant to the NPDES program (§ 402 of the Clean Water Act, and 40 C.F.R. Parts 124 and 125).

- F. PRECEDENT PERMITS/EVENTS: NPDES Permit.

- H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: See § 122.6.

- I. NATURE OF APPROVAL:

- 1. Form of Approval: If a demonstration is made that a limitation on the thermal component of an affluent is more stringent than necessary to protect indigenous water life, an alternative affluent limitation can be approved under this section and regulations.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: NPDES Permit.

- A. NAME OF PERMIT: Well Operation Permit (Underground Injection)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA)
- D. AUTHORITY: Federal Safe Drinking Water Act, 42 U.S.C. § 300(h)

The Administrator of the EPA is authorized to promulgate regulations for state underground injection control programs. Such state programs shall prohibit, effective three years after December 16, 1974, any underground injection in such state which is not authorized by a permit issued by the state (except that the regulations may permit a state to authorize underground injection by rule). Any person may petition the Administrator of the EPA to have an area of a state designated as an area in which no new underground injection well may be operated during the period beginning on the date of the designation and ending on the day on which the applicable underground injection control program covering such area takes effect unless a permit for the operation of such well has been issued by the Administrator. The Administrator may so designate an area within a state if he finds that the area has one aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health.

Any person may petition the Administrator for the issuance of the permit for the operation of such a well in such an area.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 141, National Interim Primary Drinking Water Regulations, Part 142, National Interim Primary Drinking Water Regulations Implementation.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: None
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Within 120 days of the publication in the federal register of a petition submitted, the Administrator shall either issue the permit for which the petition was submitted or shall deny its issuance.

3. Hearing Requirements/Notice: The Administrator shall publish in the federal register any petition for the issuance of a permit. Following this publication the Administrator shall give notice of any proceeding on a petition and shall provide opportunity for agency hearing.

I. NATURE OF APPROVAL:

3. Conditions: The Administrator may condition the issuance of such a permit upon the use of such control measures in connection with the operation of such well, for which the permit is to be issued, as he deems necessary to assure that the operation of the well will not contaminate the aquifer of the designated area in which the well is located so as to create a significant hazard to public health.

- A. NAME OF PERMIT: Resource Conservation and Recovery Act (RCRA)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Environmental Protection Agency (EPA), Office of Solid Wastes
- D. AUTHORITY: Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

42 U.S.C. § 6925 authorized the Administrator of the EPA to promulgate regulations requiring each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste to have a permit issued pursuant to said section.

42 U.S.C. § 6903(b) defines "hazardous waste" to mean a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

42 U.S.C. § 6903(34) defines the term "treatment," when used in connection with hazardous waste, to mean any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer to transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

42 U.S.C. § 6926 authorizes the Administrator of the EPA to promulgate guidelines to assist states in the development of state hazardous waste programs.

42 U.S.C. § 6903(27) defines "solid waste" as any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid,

semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under 33 U.S.C. § 1342, or source, special nuclear, or by-product as defined by the Atomic Energy Act of 1954, as amended.

42 U.S.C. §§ 6943 through 6945 contain minimum requirements for approval of state plans. Such requirements include, among others, 42 U.S.C. § 6943, the prohibition of establishment of new open dumps and the utilization of resource recovery or disposal in sanitary landfills, or disposal in an otherwise environmentally sound manner, of all solid waste, including solid waste originating in other states but not including hazardous waste. The plan must also provide for the closing or upgrading of all existing open dumps within the state and for resource conservation or recovery and for the disposal of solid waste in sanitary landfills or any combination of practices so as may be necessary to use or dispose of such waste in a manner that is environmentally sound. 42 U.S.C. § 6944 authorizes the Administrator of the EPA to promulgate regulations containing criteria for determining which facilities shall be classified as sanitary landfills and which shall be classified as open dumps. At a minimum, such criteria shall provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on health or the environment.

E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Parts 250 and 257

43 F.R. 4942 contains proposed rules which elaborate on minimum criteria for determining which solid waste landfill disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment.

State Hazardous Waste Guidelines and Regulations, 40 C.F.R. Part 250, have been proposed (43 F.R. 4366). They set out guidelines for state hazardous waste management programs, prescribe the procedures by which states may apply for authorization, the procedures by which such authorization may be withdrawn, and the procedures by which the EPA proposes to exercise oversight of such state programs.

Also proposed is 40 C.F.R. Part 257 (43 F.R. 4942), which regulations contain minimum criteria for determining which solid waste land disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment. Facilities failing to meet the criteria will be considered open dumps for the purpose of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976. Pursuant thereto, open dumping is prohibited and such facilities must be closed or upgraded.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Hazardous Materials Transportation Act, 49 U.S.C. §§ 1801 et seq.

- A. NAME OF PERMIT: Lease for Solid Waste Disposal Site (Federal Land)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.3,4,5
- C. AGENCY: Environmental Protection Agency (EPA), Office of Solid Wastes
- D. AUTHORITY: Solid Waste Disposal Act, 42 U.S.C. § 6964

42 U.S.C. § 6964 deals with the applicability of solid waste disposal guidelines to Executive agencies. Section 6964(a)(3) states that each Executive agency which permits the use of federal property for purposes of disposal of solid waste shall insure compliance with the guidelines and purposes of the Solid Waste Disposal Act. Section 6964(a)(4) gives the President the power to prescribe regulations to carry out this section.

- E. APPLICABLE REGULATIONS/STANDARDS: 33 C.F.R. § 2912.3

33 C.F.R. § 2912.3 deals with leases for solid waste disposal sites. All new leases must contain express stipulations requiring compliance with Guidelines for the Thermal Processing of Solid Wastes, contained in 40 C.F.R. Part 240, Guidelines for the Land Disposal of Solid Waste, contained in 40 C.F.R. Part 241, and Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers, contained in 40 C.F.R. Part 165. Failure to comply with the guidelines constitutes sufficient grounds for cancellation of the lease.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Lease applicants must include in the plan of development and management detailed descriptions of methods and procedures that will be employed to achieve compliance with the guidelines. Leases may not provide for the disposal of permanent or long-term hazardous wastes.

- I. NATURE OF APPROVAL:

- 5. Renewal Procedures: Applications for renewal of leases must be accompanied by three copies of a statement showing the past use of the lands and the proposed use after renewal of the lease.

- A. NAME OF PERMIT: General Permit Procedures, Endangered Species
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: United States Fish and Wildlife Service, Department of the Interior
- D. AUTHORITY: Migratory Bird Treaty Act, 16 U.S.C. § 704; Bald Eagle Protection Act, 16 U.S.C. § 668a; Endangered Species Act of 1973, 16 U.S.C. § 1540(f); and Fish and Wildlife Act of 1956, 16 U.S.C. § 742j-1 (See 01080 and 01085)
- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Part 13

50 C.F.R. § 13.1 states that each person intending to engage in an activity for which a permit is required by this Subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. If the activity for which permission is sought is covered by requirements of more than one part of this Subchapter B, the requirements of each part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applications must be submitted on an appropriate application form, except for those applications for which the regulations provide that a letter application which contains all necessary information, attachments, certification and signatures is acceptable.

Section 13.12 states that all applications must contain the following information: (1) applicant's name, mailing address, and phone number; (2) specific requirements if the applicant is an individual; (3) where the applicant is a corporation, the name and address of the president or principal officer; (4) location where the permitted activity is to be conducted; (5) Part and Section of this Subchapter B under which the permit is requested and such additional information and justification as is required; (6) special requirements for importation from any foreign country; (7) certification of familiarity with this Part 13 and that the application for the permit is complete and accurate; (8) the desired effective date of the permit;

- A. NAME OF PERMIT: Permit for Enhancement of Species
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of Agriculture
- D. AUTHORITY: Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.

16 U.S.C. § 1539 states that the Secretary of Agriculture or the Secretary of Commerce may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by § 1539 for scientific purposes or to enhance the propagation or survival of the affected species. Also, if a person enters into a contract with respect to a species before the date of publication in the Federal Register and the subsequent listing of that species as an endangered species will cause undue economic hardship to such person under the contract, the Secretary of Agriculture or Secretary of Commerce, in order to minimize such hardship, may exempt such person from application, if such person applies to him for such exemption and includes with such application information necessary to prove such hardship.

- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Part 17

50 C.F.R. Part 17 identifies those species of wildlife and plants determined to be endangered or threatened with extinction and also the species and subspecies of wildlife designated as endangered. Section 17.11 lists all the species of wildlife which are determined to be endangered or threatened.

Section 17.22 deals with permits for scientific purposes or for the enhancement of propagation or survival of endangered wildlife. Section 17.23 deals with permits issued in order to prevent economic hardship.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Both permits for scientific purposes or for the the enhancement of propagation or survival of a threatened species and permits to prevent undue economic hardship must be applied for on an official application form, Form 3-200, and must attach information including: (1) a complete description of the species sought to be covered by the permit and the activities sought to be authorized; (2) a statement as to whether the wildlife sought to be covered is in the wild,

(9) the date; (10) the signature of the applicant; and (11) such other information as may be relevant to the processing of the application.

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: Applications must be received by the appropriate official at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. Attempt will be made to process applications in the shortest possible time, and most complete and properly addressed applications will be acted on within 30 days.

I. NATURE OF APPROVAL:

1. Form of Approval: The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. The final action by the Director, U.S. Fish and Wildlife Service, shall be considered the final administrative decision of the Department of the Interior.
5. Renewal Procedures: Where the permit is renewable and a permittee intends to continue the activities described in the permit, he shall file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by a required fee, at least 30 days prior to the expiration of his permit.

has already been removed from the wild, or was born in captivity; (3) a resume of the applicant's attempts to obtain the wildlife sought to be covered in a manner which would not cause the death or removal from the wild of such wildlife; (4) if the wildlife sought to be covered has already been removed from the wild, the country and place where such removal occurred and if the wildlife sought to be covered was raised in captivity, the country and place where such wildlife was born; (5) a complete description of the facility where the wildlife sought to be covered will be used, displayed, or maintained; (6) a complete description of the facility where such living wildlife will be housed and cared for, including among others, a brief resume of the expertise of the persons who will care for the wildlife, a statement as to the applicant's willingness to participate in breeding, and for five years preceding the date of the application provide a detailed description of all mortalities involved in the species and held by the applicant; (7) copies of agreements pursuant to which the activity sought to be authorized will be carried out; and (8) a statement of the reasons why the applicant is justified in obtaining the permit.

In addition to the previous requirements, permits for economic hardship also require the following additional information: (1) the possible legal, economic or subsistence alternatives to the activity sought to be authorized; (2) a full statement showing applicant's involvement with the wildlife sought to be covered, including, where applicable, that portion of the applicant's income derived from the taking of such wildlife or the subsistence use of such wildlife; and (3) where applicable, proof of a contract or other binding legal obligation which deals specifically with the wildlife sought to be covered, became binding prior to the date when notice of a review of the status of the species or notice of the proposed rule-making was published in the Federal Register, and will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

I. NATURE OF APPROVAL:

2. Duration of Permit: Permits for scientific purposes or for the enhancement of propagation or survival have no limitation as to duration. Permits for economic hardship shall be valid for no more than one year from the date a notice is published in the Federal Register to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

3. Conditions: Additional conditions include: (1) submission of a written report of the applicant's activities pursuant to the permit; and (2) a reporting of the death or escape of all living wildlife covered by the permit. Also, permits for scientific purposes or for the enhancement of propagation or survival requests that the carcass of any dead wildlife covered by the permit be stored in a manner which will preserve its use as a scientific specimen.

- A. NAME OF PERMIT: Permit for Threatened Wildlife Enhancement
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Fish and Wildlife Service, Department of the Interior
- D. AUTHORITY: Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq. (See 01080)
- E. APPLICABLE REGULATIONS/STANDARDS:

50 C.F.R. § 17.72 states that upon receipt of the complete application, a permit may be issued for any activity otherwise prohibited with regard to threatened wildlife. Permits issued under this section must be for one of the following purposes: scientific purposes or the enhancement of propagation survival; economic hardship; zoological exhibition; educational purposes; or special purposes consistent with the purposes of the Endangered Species Act of 1973.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Each application must be submitted on an official application form, Form 3-200, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit: (1) a complete description of the species sought to be covered by the permit and the activities sought to be authorized; (2) a statement as to whether the wildlife sought to be covered is still in the wild, has already been removed from the wild, or was born in captivity; (3) a resume of the applicant's attempts to obtain the wildlife sought to be covered in a manner which would not cause death or removal from the wild; (4) if the wildlife sought to be covered has already been removed from the wild, the country and place where such removal occurred and, if the wildlife sought to be covered was raised in captivity, the country and place where such wildlife was born; (5) a complete description of the facility where the wildlife sought to be covered will be used, displayed or maintained; (6) if the applicant seeks to have live wildlife covered by the permit, a complete description of the area and facilities where such wildlife will be housed and cared for, a brief resume of the technical expertise of the persons who will care for such wildlife, a statement of the applicant's willingness to participate in a

cooperative breeding program, and for the five years preceding the date of this application, provide a detailed description of all mortalities involving the species covered; (7) copies of agreements pursuant to which the activities sought to be authorized will be carried out; and (8) a full statement of the reasons why the applicant is justified in obtaining the permit.

I. NATURE OF APPROVAL:

2. Duration of Permit: There is no limitation on duration of the permit issued under this section.
3. Conditions: Additional conditions include: (1) the submission of a written report of the applicant's activities pursuant to the permit; (2) a report of the death or escape of all living wildlife covered by the permit; and (3) the preservation of the carcasses of any dead wildlife covered by the permit for use as a scientific specimen.

01083

- A. NAME OF PERMIT: Permit for Threatened Plant Enhancement
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Fish and Wildlife Service, Department of the Interior
- D. AUTHORITY: Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.

(See 01080)

- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Parts 13, 17 and 23

50 C.F.R. § 17.72 states that upon receipt of a complete application, a permit may be issued authorizing any activity otherwise prohibited with regard to threatened plants. A permit issued under this section must be for one of the following: scientific purposes; the enhancement of propagation or survival of threatened species; economic hardship; botanical or horticultural exhibition; educational purposes; or other activities consistent with the purposes and policies of the Endangered Species Act of 1973.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application for the permit must be submitted on an official application form, Form 3-200, or must contain the general information and certification required by § 13.12(a). Requirements differ for the issuance of a permit for activities dealing with plants obtained from the wild (excluding seeds), seeds obtained from the wild, and cultivated plants, or herbarium specimens. The applicant must provide in an attachment the information required below: (1) for activities involving plants obtained from the wild (excluding seeds), a complete description of the plant sought to be covered by the permit, a brief description of the applicant's expertise and facilities as related to the proposed activity, a justification of the activities sought to be authorized and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Endangered Species Act of 1973, and a statement of the applicant's willingness to participate in a cooperative propagation program; (2) for activities involving seeds obtained from the wild and cultivated plants, a complete

description of the plants sought to be covered, a statement of the applicant's willingness to participate in a cooperative propagation program, and a justification of the activities sought to be authorized and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policies of the Endangered Species Act of 1973; (3) special requirements for the importation or exportation of herbarium or other preserved, dried or imbedded museum specimens of all threatened species between scientists or scientific institutions; and (4) additional requirements of the activities sought to be authorized if with a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. (See § 23.15(c).)

I. NATURE OF APPROVAL:

2. Duration of Permit: The duration of the permit is not limited.
3. Conditions: Additional conditions include: (1) if requested, the submission of a written report of the activities authorized by the permit; (2) a copy of the permit or an identification label must accompany the plant or its container during the course of any activity subject to these regulations; and (3) additional requirements concerning the plants that are herbarium specimens, or other preserved, dried, or imbedded museum specimens to be imported or exported as a non-commercial loan exchange or donation between scientists or scientific institutions.

- A. NAME OF PERMIT: Migratory Bird Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Migratory Bird Treaty Act, 16 U.S.C.
§§ 703-711

16 U.S.C. § 703 states that, unless and except as permitted by regulations, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest or egg thereof.

- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Part 21

50 C.F.R. Part 21 contains regulations with respect to permits for the taking, possession, transportation, sale, purchase, barter, export, import, banding and marking of migratory birds, as well as exceptions to permit requirements for public, scientific or educational institutions. Subpart D covers specific permit provisions: Section 21.21, import and export permits; Section 21.22, banding or marking permits; Section 21.23, scientific collecting permits; Section 21.24, taxidermist permits; Section 21.25, water fowl sale and disposal permits; Section 21.27, special purpose permits; and Section 21.28, falconry permits.

Section 21.27, special purpose permits, states that permits may be issued for migratory bird activities outside the scope of these standard form permits upon a sufficient showing of benefit to the migratory bird resource, important research reasons, humane, or other compelling justifications. Section 21.27(a) states that a special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or

possess migratory birds, their parts, nests, or eggs for any purpose not covered by the standard form permits of this Part.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 21.27(b) states that applications for special purpose permits shall be submitted to the appropriate Special Agent in Charge. Each such application must contain general information plus: (1) a detailed statement describing the project or activity which requires issuance of the permit, purpose of such project or activity, and a delineation of the area in which it will be conducted; (2) numbers and species of migratory birds involved where same can reasonably be determined in advance; and (3) statement of disposition which will be made of migratory birds involved in the permit activity.

I. NATURE OF APPROVAL:

2. Duration of Permit: Section 21.27(d) states that in no case shall the tenure of special purpose permits be longer than the second full calendar year following December 31 following the date of issue.
3. Conditions: Additional conditions include: (1) filing with the issuing officer an annual report of operations not later than January 31 of each year for the preceding calendar year or any portion thereof during which the permit was in force, describing in detail operations under the permit, number of species of migratory birds acquired, disposed of, and an inventory of those on hand as of December 31; and (2) the filing of such other reports as may be requested by the issuing officer.

- A. NAME OF PERMIT: Permit to Control Depredating Birds
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Migratory Treaty Act, 16 U.S.C. §§ 703-711
- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Part 21

50 C.F.R. Part 21 Subpart D controls depredating birds. Section 21.41 states that a depredation permit is required before any person may take, possess, or transport migratory birds for depredation control purposes. No permit is required merely to scare or herd depredating migratory birds other than endangered or threatened species or bald or golden eagles.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 21.41(b) states that application for depredation permits shall be submitted to the appropriate Special Agent in Charge. Each such application must contain the general information including: (1) a description of the area where depredations are occurring; (2) the nature of the crops or other interests being injured; (3) the extent of such injury; and (4) the particular species of migratory birds committing the injury.

I. NATURE OF APPROVAL:

- 2. Duration of Permit: Section 21.41(d) states that depredation permits are limited to a period of no longer than one year.
- 3. Conditions: Additional permit conditions include: (1) not killing migratory birds unless specifically authorized on the permit; (2) when authorized to do so, only killing migratory birds with a shotgun not larger than No. 10 gauge fired from the shoulder and only on or over the threatened area or areas described on the permit; (3) not using blinds, pits, or other means of concealment, decoys, duck calls or other devices to lure or entice birds within gun range; (4) turning over all killed migratory birds to a Bureau representative, or otherwise disposing of as provided by law; and (5) allowing only persons named on the permit as authorized agents of the permittee under authority of the permit.

- A. NAME OF PERMIT: Eagle Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: United States Fish and Wildlife Service, Department of the Interior
- D. AUTHORITY: Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 et seq.

16 U.S.C. § 668a authorizes the Secretary of the Interior to prescribe regulations concerning the taking of eagles. The taking of golden eagles shall be for the purpose of seasonally protecting domesticated flocks and herds. Bald eagles may not be taken for any purpose unless a permit to do so is procured from the Secretary of the Interior. The Secretary of the Interior may permit the taking, possession and transportation of golden eagles for the purposes of falconry with the exception that only golden eagles that cause depredations on livestock and wildlife may be taken.

- E. APPLICABLE REGULATIONS/STANDARDS: 50 C.F.R. Part 22

50 C.F.R. Part 22 contains regulations governing the taking, possession, and transportation of bald and golden eagles for scientific, educational and depredation control purposes and for the religious purposes of Indian tribes. The import, export, purchase, sale, or barter of bald or golden eagles, their parts, nests, or eggs is not permitted. Section 22.3 defines "take" as also including pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting or disturbing.

Because of the limited language of the regulations, it is uncertain whether a permit could be obtained to move or otherwise relocate an eagle aerie in order to prevent its disturbance by mining activities. Personnel at the Fish and Wildlife Services' Law Enforcement Office in Washington, D.C. indicate that they do not feel that the regulations can be interpreted broadly enough to allow the moving of nesting eagles to "safer" areas. Until the regulations and statutes are clarified in this respect, it may be necessary to adjust mining operations to prevent disturbance of eagles.

01089

- A. NAME OF PERMIT: Notification of Water Impoundment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: United States Fish and Wildlife Service
- D. AUTHORITY: Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.

16 U.S.C. § 662(a) states that the U.S. Fish and Wildlife Service must be consulted regarding impoundment, diversion, channel deepening, or other change or modification of any body of water by any U.S. agency or by any other public or private agency under federal permit or license. The coordination is for purposes of determining the effect of the change on wildlife and wildlife resources.

Exceptions to this requirement are contained at 16 U.S.C. § 662(h). Excluded are projects requiring impoundments less than 10 acres in size, and programs and activities carried out for primarily land management uses, or carried out by federal agencies with respect to lands under their jurisdiction.

- F. PRECEDENT PERMITS/EVENTS: Permit to construct diversion facility
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: See permits regarding waterways and changes thereto, dredge-and-fill permits (see 01030); permits to construct water diversion facilities and the like.

01095

- A. NAME OF PERMIT: Use Permit for National Wildlife Refuge
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.14,25,31,34.5
- C. AGENCY: United States Fish and Wildlife Service, Department of the Interior
- D. AUTHORITY: National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. §§ 668aa et seq.

16 U.S.C. § 668dd authorizes the Secretary of the Interior, under such regulations as he may prescribe, to permit the use of any area within the National Wildlife Refuge System (System) if such uses are compatible with the major purposes for which such areas were established and to permit the use of, grant easements in, over, across, upon, through or under any areas within the System for purposes compatible with those for which the areas were established.

01102

- A. NAME OF PERMIT: Reporting Requirement for Discovery of Historic Site
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior, Heritage Conservation and Recreation Service
- D. AUTHORITY: Historic Sites Act of 1935, 16 U.S.C. §§ 461 et seq.

16 U.S.C. § 462(k) authorizes the Secretary of the Interior, through the Heritage Conservation and Recreation Service, to make such rules and regulations as may be necessary and proper to carry out the provisions of this Act. The basic purpose of the Act is to preserve for public use, historic sites, buildings, and objects of national significance.

Secretary of the Interior Order No. 3017, 43 F.R. 7482, established a Heritage Conservation and Recreation Service which assumes functions previously performed by the National Parks System. (See 01103)

01103

- A. NAME OF PERMIT: Coordination Prior to Constructing Dam or Reservoir
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.2.0
- C. AGENCY: Department of the Interior, National Parks Service
- D. AUTHORITY: Historic Sites Act of 1935, 16 U.S.C. §§ 469 to 469c

16 U.S.C. § 469a requires written notice to be given to the Secretary of the Interior prior to any agency of the United States undertaking the construction of a dam, or issuing a license to any private individual or corporation for the construction of a dam, if: (1) with respect to any floodwater retarding dam, more than 5,000 acre-feet of detention capacity is provided; and (2) with respect to any other type of dam, a reservoir of more than 40 surface acres is anticipated. If less than 5,000 acre-feet of detention capacity is provided by a floodwater retarding dam, or if a reservoir of less than 40 surface acres is created by any other type of dam, written notice is required only when preliminary surveys and finds present evidence that historical or archaeological materials exist or may be present in the proposed reservoir area.

16 U.S.C. § 469a-1 requires notice in writing to the Secretary of the Interior whenever any federal agency finds, or is notified, in writing, by an appropriate historical or archaeological authority, that its activities in connection with any federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archaeological data.

Executive Order No. 11593, 35 F.R. 8921, directs all heads of federal agencies to locate and inventory to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

Secretary of the Interior Order No. 3017, 43 F.R. 7482, establishes a Heritage Conservation and Recreation Service which assumes functions previously performed by the National Parks System.

- A. NAME OF PERMIT: National Historic Preservation Act
- B. APPLICABILITY DESCRIPTION: 0.0.0.0,0.0.0.0
- C. AGENCY: Department of the Interior, Heritage Conservation and Recreation Service
- D. AUTHORITY: National Historic Preservation Act of 1966, 16 U.S.C. §§ 470 et seq.

16 U.S.C. § 470a authorizes the Secretary of the Interior to maintain a national register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, and culture, and grant funds of states for the purpose of preparing comprehensive statewide historic surveys and plans for the preservation, acquisition and development of such properties.

In order to assure consistency in policies, and to assure coordination of the planning, acquisition, and development assistance to states, the President may issue such regulations with respect thereto as he deems desirable. (16 U.S.C. § 470d(b)).

16 U.S.C. § 470f directs the head of any federal agency, prior to the approval of expenditure of any federal funds or prior to the issuance of any license, as the case may be, to take into account the effect of the proposed undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The Advisory Council on Historic Preservation must also be afforded a reasonable opportunity to comment with regard to such undertaking.

Executive Order No. 11593, 36 F.R. 8921, directs all heads of federal agencies to locate, inventory and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places. The Advisory Council on Historic Preservation must be provided an opportunity to comment prior to the transfer, sale, demolition or substantial alteration of property likely to meet the criteria prescribed for listing on the National Register.

Secretary of the Interior Order No. 3017, 43 F.R. 7482, establishes a Heritage Conservation and Recreation Service which assumes functions previously performed by the National Parks System.

E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. Parts 60 and 800

36 C.F.R. Part 60 provides guidelines for state plans, surveys and nominations to the National Register. It also identifies the following state historic preservation officers:

Colorado

Chairman, State Historical Society
Colorado State Museum
200 14th Avenue
Denver, Colorado 80203

Utah

Director, Division of State History
603 East South Temple
Salt Lake City, Utah 84102

Wyoming

Director, Wyoming Recreation Commission
604 East 25th Street
Box 309
Cheyenne, Wyoming 82001

36 C.F.R. Part 800 delineates procedures for the protection of historical and cultural properties. Federal agencies undertaking a project having an effect on a listed property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. Having complied with the procedural requirements, the federal agency may adopt any course of action it may feel appropriate. No requirements of any kind are imposed upon private initiative.

36 C.F.R. § 800.3(c) defines "undertaking" as any federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity or program, including but not limited to, new and continuing projects and program activities directly undertaken by

federal agencies or supported in whole or in part through federal contracts, grants, subsidies, loans, or other forms of funding assistance, or involving a federal lease, permit, license, certificate, or other entitlement for use.

36 C.F.R. § 800.4 describes required agency actions prior to federal action. The agency official must identify properties located within the area of the undertaking's potential environmental impact that are included in or eligible for inclusion in the National Register. The official must apply National Register Criteria, set forth in § 800.10, to identify such properties. If a property appears to meet the criteria, or if it is questionable whether the criteria are met, the official must request in writing an opinion from the Secretary of the Interior respecting the property's eligibility for inclusion in the National Register. If an eligible property meets the Criteria of Effect, § 800.8, it must be determined whether the undertaking is adverse. Upon finding no effect, the undertaking can proceed. Upon finding no adverse effect, documentation must be reviewed by the Executive Director of the Advisory Council on Historic Preservation. If the Executive Director does not make objection within 45 days, the undertaking may proceed. Upon finding adverse effect, the official must: (1) request in writing the comment of the Advisory Council; (2) notify the state historic preservation officer of the request; (3) prepare a preliminary case report, § 800.6(e)(2); and (4) proceed with a consultation process, § 800.5, which includes on-site inspection, a possible public information meeting, consideration of alternatives, and negotiations which may result in a memorandum of agreement.

01113

- A. NAME OF PERMIT: Permit to Examine Ruins
- B. APPLICABILITY/DESCRIPTIONS: 0.0.0.0.0.0.3,4,5,7
- C. AGENCIES: Department of the Interior, Department of Agriculture, Department of the Army and Bureau of Indian Affairs
- D. DESCRIPTION: Antiquities Act of 1906, 16 U.S.C. §§ 431 et seq.

16 U.S.C. § 432 grants the Secretaries of the Departments of Interior, Agriculture and Army the authority to make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act. The purpose of the Act is to declare and preserve historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments.

16 U.S.C. § 432 provides for the granting of permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity only for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and with the view that the gatherings shall be for permanent preservation and public museums.

- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 3, 25 C.F.R. Part 132

Permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity will be granted to reputable museums, universities, colleges, or other recognized scientific or educational institutions.

Applications for permits on Indian lands are made pursuant to 25 C.F.R. Part 132 (See 01535).

In most cases, the initial permit for mining operations will contain requirements relating to impact on archaeological values, and this permit, which is issued to

research-oriented organizations, would not apply. However, should previously undetected items of archaeological interest be discovered during mining or related operations, it may be incumbent on a mining concern to protect the items. One way in which to do so may be to allow study and removal by an organization as described above. Thus, the permit would apply.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Each application for a permit should be filed with the Secretary having jurisdiction, and must be accompanied by a definite outline of the proposed work, indicating the name of the institution making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the particular site or area to be examined, excavated or searched.

Every permit shall be in writing and copies shall be transmitted to the Smithsonian Institution and the field officer in charge of the land involved.

I. NATURE OF APPROVAL:

2. Duration of Permit: No permit will be granted for a period of more than three years.
4. Reviews/Monitoring: The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the act and this part, and may fully examine all work done under such permit.
5. Renewal Procedures: If the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: At the close of each season's field work, the permittee shall report in duplicate to the Smithsonian Institution, in such form as its secretary may prescribe, and shall prepare in duplicate a catalogue made during the season, indicating such material, if any, as may be available for exchange.

01260

- A. NAME OF PERMIT: Consent to Explore Lands Designated Unsuitable for Surface Mining
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior, Owner of Surface Estate.
- D. AUTHORITY: Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. §§ 1201 et seq. (§ 1281)

30 U.S.C. § 1281(b) states that an area of Federal Land may be designated under this section as unsuitable for mining operations if: (1) such area consists of Federal Land of a predominantly urban or suburban character, used primarily for residential or related purposes, the mineral estate of which remains in the public domain; or (2) such area consists of Federal Land where mining operations would have an adverse impact on lands used primarily for residential or related purposes.

Section 1281(d) states that in no event is a land area to be designated unsuitable for mining operations on which mining operations are being conducted, prior to the holding of a hearing on a petition to the Secretary of the Interior. Designation of an area as unsuitable for mining operations shall not prevent subsequent mineral exploration of such area, except that such exploration shall require the prior written consent of the holder of the surface estate which consent must be filed with the Secretary of the Interior. The Secretary of the Interior may promulgate, with respect to any designated area, regulations to minimize any adverse effects of such exploration.

H. PROCESSING REQUIREMENTS:

- 5. Appeal: To U.S. District Court pursuant to § 1281(g).

- A. NAME OF PERMIT: Mine Safety and Health Act (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.0
- C. AGENCY: Mine Safety and Health Administration, Department of Labor
- D. AUTHORITY: Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801 et seq.

The purpose of the Federal Mine Safety and Health Amendments Act of 1977 was to promote safety and health in the mining industry and to prevent recurring disasters in the mining industry. 30 U.S.C. § 802 defines "coal or other mine" as: (1) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground; (2) private ways and roads appurtenant to such area; and (3) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in or resulting from the work of extracting such minerals from their natural deposits, milling of such minerals, or the work of preparing coal or other minerals.

Section 811 gives the Secretary of the Interior the power to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

01266

- A. NAME OF PERMIT: Notification of Commencement of Open Pit Mining
- B. APPLICABILITY/DESCRIPTION: 2.2.0.0.0.0.0
- C. AGENCY: Mine Safety and Health Administration
- D. AUTHORITY: Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 30 C.F.R. Part 55

30 C.F.R. Part 55 prescribes health and safety standards for the purpose of protection of life, the promotion of health and safety, and the prevention of accidents in open pit metal and nonmetallic mines.

Section 55.26 requires notification of commencement of operations and closing of mines. Notification of commencement of operations must include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent. Notification of a mine closing must include those facts previously mentioned and must also indicate whether the closure is temporary or permanent.

01267

- A. NAME OF PERMIT: Notification of Closing of Open Pit Mine
- B. APPLICABILITY/DESCRIPTION: 2.2.0.0.0.0.0
- C. AGENCY: Mine Safety and Health Administration
- D. AUTHORITY: Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801 et seq.
(See 01265)
- E. APPLICABILITY REGULATIONS/STANDARDS: 30 C.F.R. § 55.26
(See 01265)

- A. NAME OF PERMIT: Notification of Commencement of Sub-surface Mining
- B. APPLICABILITY/DESCRIPTION: 1,3,4.0.0.0.0.0.0
- C. AGENCY: Mine Safety and Health Administration
- D. AUTHORITY: Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 30 C.F.R. Part 57

30 C.F.R. Part 57 contains regulations and prescribes health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in underground metallic and nonmetallic mines. Some regulations apply both to underground and surface operations of underground mines.

Section 57.26 contains procedures regarding notification of commencement of operations and closing of mines. Notification must be given before starting operations, of the approximate or actual date mine operations will commence. Notification must include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent. When any mine is closed, notification must include information referenced above and also must indicate whether the closure is temporary or permanent.

01269

- A. NAME OF PERMIT: Notification of Closing of Subsurface Mine
- B. APPLICABILITY/DESCRIPTION: 1,3,4.0.0.0.0.0.0
- C. AGENCY: Mine Safety and Health Administration
- D. AUTHORITY: Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801 et seq. (§ 802)
(See 01153)
- E. APPLICABLE REGULATIONS/STANDARDS: 30 C.F.R. § 57.26
(See 01268)

01310

- A. NAME OF PERMIT: Permit For Importing Manufacturing Or Dealing In Explosives
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.0
- C. AGENCY: U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms
- D. AUTHORITY: 18 U.S.C. §§ 841 et seq.

It is unlawful for any person to engage in the business of importing, manufacturing or dealing in explosive materials without a license issued under this Chapter.

- E. APPLICABLE REGULATIONS/STANDARDS: 27 C.F.R. §§ 181 et seq.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant must fulfill certain criteria as identified in 18 U.S.C. § 843(b) and must not have violated any of the provisions of this Chapter.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Two.
 - 3. Hearing Requirements/Notice: None.
 - 4. Fee Schedule/Bond: The application must be accompanied by a \$20.00 fee.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: The permit is effective for one year and may be renewed.
 - 5. Renewal Procedures: The permit may be renewed upon payment of a \$10.00 renewal fee and filing of an application for renewal, Form 4708, prior to expiration of the original permit.

Engineers) - 33 C.F.R. § 709.410; Advisory Council on Historic Preservation - 36 C.F.R. Part 800; U.S. Geological Survey (Department of Interior) - 37 Fed. Reg. 5263 (March 11, 1972) - Geological Survey Manual Part 516, Chapter 2; and U.S. Fish and Wildlife Service (Department of the Interior) - Bureau Transmittal Memo dated November 8, 1974.

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: Estimated time for EIS preparation review and final approval is from 2-5 years.

- A. NAME OF PERMIT: Environmental Impact Statement
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: U.S. Environmental Protection Agency is the coordinating agency for all EIS's. Various agencies may be responsible for the site-specific EIS.
- D. AUTHORITY: The National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2)(C)

This section requires a detailed environmental review which may culminate in preparation of an EIS for all "major Federal actions significantly affecting the quality of the human environment." Determination of whether an EIS is required is a case-specific decision.

- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. Part 1500

This Part gives the Council on Environmental Quality (CEQ) Guidelines for EIS preparation.

There are currently proposed CEQ Regulations for EIS preparation that will take the place of its current guidelines, and which will be enforceable (the current guidelines are meant to be advisory in nature, although most agencies have adopted separate regulations that incorporate most features of the CEQ Guidelines).* Both the current guidelines and proposed regulations provide for interagency cooperation where more than one agency is involved in an EIS, with one taking on the role of "lead agency." The lead agency coordinates inputs from other interested agencies, and is responsible for the final product. Completed EIS's are filed with EPA.

Separate regulations for agencies that are likely to become involved in EIS preparation for an oil shale project are as follows: Environmental Protection Agency - 40 C.F.R. Part 6 40 Fed. Reg. 16813 (April 14, 1975); Department of the Interior - BLM - Bureau Manual Release dated May 4, 1972; Department of Agriculture (U.S. Forest Service) - 38 Fed. Reg. 20919 (August 3, 1973) - Title 8400 of Forest Service Manual; Federal Communications Commission - 47 C.F.R. § 1.1301 et seq.; Interstate Commerce Commission - 37 Fed. Reg. 6328 (March 28, 1972); Department of Defense (Army Corps of

Engineers) - 33 C.F.R. § 709.410; Advisory Council on Historic Preservation - 36 C.F.R. Part 800; U.S. Geological Survey (Department of Interior) - 37 Fed. Reg. 5263 (March 11, 1972) - Geological Survey Manual Part 516, Chapter 2; and U.S. Fish and Wildlife Service (Department of the Interior) - Bureau Transmittal Memo dated November 8, 1974.

*Note: The CEQ recently promulgated enforceable regulations to take the place of the informal guidelines. See "Council on Environmental Quality Regulations for the Implementation of the Procedural Provisions of the National Environmental Policy Act," 43 Fed. Reg. 55978 (Nov. 29, 1978).

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: Estimated time for EIS preparation review and final approval is from 2-5 years.

- A. NAME OF PERMIT: Federal Land Policy and Management Act
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.3,4,5
- C. AGENCY: Departments of the Interior, Agriculture or other managing agency as appropriate.
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701, et seq.

43 U.S.C. § 1702(f) states that the term "right-of-way" includes an easement, lease, permit, or license to occupy, use or traverse public lands granted for the purpose listed in Subchapter V of this Chapter.

43 U.S.C. § 1702(e) defines "Public lands" as "any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through the Bureau of Land Management"

Section 1761 sets forth procedures for grants of rights-of-way, permits and the like. Permits are required for rights-of-way for all activities other than oil and gas pipelines or products derived therefrom, or storage and terminal facilities in connection therewith. Permits are required for water collection, distribution and storage facilities, solid material pipelines, electrical energy distribution and transmission, radio, T.V., telephone, highways, railroads, canals, tunnels, airways, and other means as possible.

Section 1764(f) requires approval to remove vegetative materials, including timber, within or without a right-of-way, and disposal of the same.

G. APPLICATION AND PREREQUISITE REQUIREMENTS:

- 4. Fee Schedule/Bond: Section 1764(g) requires annual advance payment of the fair market value of the right-of-way or its renewal.

Section 1764(i) allows the Secretary of the Interior to require a right-of-way holder to furnish a bond or other security satisfactory to complete all obligations attendant thereto.

- K. PRIVATE OWNERSHIP: Section 1713 states that BLM lands may be sold to private ownership if: (1) it is difficult to manage as part of the public lands; (2) it was acquired for a specific purpose and is no longer needed for that or any other federal purpose; or (3) disposal of the land in this manner will serve important public objectives. It may be possible to so purchase such land and thereby change required federal use permits into those required for fee ownership land. (See § 1713 for the procedures involved in purchase of such land.)

Section 1732(b) sets forth the power of the Secretary of the Interior to regulate public land use through "easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate"

Section 1734(b) allows the Secretary to require a deposit of monies sufficient to defray costs of environmental studies, construction monitoring, and other activities related to allowing private use of public lands.

43 U.S.C. § 1761(b)(2) requires that a partnership, corporation, association, or other business entity provide information regarding: (1) names and addresses of partners; (2) names and addresses of shareholders with greater than 30% of shares; (3) names and addresses of affiliates or controlling entities and their degree of control.

Section 1764(d) requires the submittal of a construction, operation and rehabilitation plan for projects which will have a "significant impact" on the environment.

01401

- A. NAME OF PERMIT: Rights-of-Way Across Public Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,2,3,5,6,9.0.3,5
- C. AGENCY: Department of the Interior, Bureau of Land Management
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq.

43 U.S.C. § 1761 states that the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for, among others: (1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation or distribution of water; (2) pipelines and other systems for the transportation or distribution of liquids and gases other than water and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, and for storage and terminal facilities in connection therewith; (3) systems for generation, transmission, and distribution of electric energy; (4) systems for transmission or reception of radio, television, telephone and telegraph; and (5) roads, trails, highways, railroads, canals, tunnels, tramways, airways, or other means of transportation.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A detailed description of the environmental impact of the project must be included with the application.

01402

- A. NAME OF PERMIT: Rights-of-Way General Principles and Procedures
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3,4,5
- C. AGENCY: Department of Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq.

(See 01400 and 01401)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2800

43 C.F.R. Subpart 2800 gives the purpose and delineates definitions. 43 C.F.R. Subpart 2801 sets forth the nature of the interest acquired when such rights-of-way are obtained. 43 C.F.R. Subpart 2802 details general procedures for obtaining rights-of-way.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: 43 C.F.R. §§ 2801.1-6 requires the United States Forest Service to approve stipulations and/or bond requirements for rights-of-way over Forest Service lands. (See 50 C.F.R. Part 29 for special requirements regarding lands administered by U.S. Fish and Wildlife Service.)

01404

- A. NAME OF PERMIT: Prospecting Permit - Public Land
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01400 and 01401)

- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 23

A permit is required under this part for exploration activities involving oil shale.

Section 23.8 requires approval of a mining plan prior to commencing actual surface mining operations. The plan is to be filed with the mining supervisor for minerals mined under the Mineral Leasing Act. For permits issued under the Materials Act, the district manager approves the mining plan.

- F. PRECEDENT PERMITS/EVENTS: Exploration plan approval.
(See 43 C.F.R. § 23.7.)

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: Official will "promptly review" submittal. (See 43 C.F.R. § 23.7)

- 4. Fee Schedule/Bond: Section 23.9 requires filing of a suitable performance bond of at least \$2,000 after issuance of an exploration or mining plan approval.

- I. NATURE OF APPROVAL:

- 3. Conditions: See § 23.7.

- 4. Reviews/Monitoring: Periodic reports required (see 43 C.F.R. § 23.10). Monitoring covered by 43 C.F.R. § 23.11.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Mining Plan (See 43 C.F.R. § 23.8.)

01412

- A. NAME OF PERMIT: General Permit Regulations, Special Use Permits
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3,4,5
- C. AGENCY: Bureau of Land Management, Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01401)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2920

Special use permits will not be issued in cases where other laws or regulations apply.
- H. PROCESSING REQUIREMENTS:

4. Fee Schedule/Bond: \$10 (§ 2920.2); yearly rental (\$ 2920.4)
- I. NATURE OF APPROVAL:

2. Duration of Permit: One year unless longer period necessary (§ 2920.3)
3. Conditions: Revocable at discretion of authorized officer upon notice (§ 2920.3)
5. Renewal Procedures: New permit granted. Current holder of permit has priority (§ 2920.3)

01414

- A. NAME OF PERMIT: Special Use Permit for Commercial Facilities and Services
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3,4,5
- C. AGENCY: Bureau of Land Management, Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq. (§ 1761)
- (See 01400)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2923
- 43 C.F.R. Part 2923 contains additional requirements for a special land use permit to provide commercial facilities and services to the public.
- Section 2920.0-5 defines "commercial facilities and services" as accommodations, equipment, and other related supplies and services provided on a temporary or short-term basis by a private entrepreneur, whether an individual, group, association, or qualified corporation, to facilitate public use of the public lands. These facilities may include, but are not limited to, trailer camps, automotive and transportation services, and portable sanitary facilities.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: In addition to the requirements of 43 C.F.R. Part 2920, each application for a special land use permit to provide commercial facilities and services to the public must be accompanied by three copies of a statement describing: (1) the proposed use of the land; (2) public service to be provided; (3) estimated capital investment; and (4) a showing that the application involves an established or definitely proposed project.
- H. PROCESSING REQUIREMENTS:
4. Fee Schedule/Bond: Rental payments must be made (§ 2923.3)
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Stipulations regarding non-discrimination and non-segregation of public facilities will be included.

- A. NAME OF PERMIT: Leases, Permits and Easements for Public Works
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3,4,5,7
- C. AGENCY: Department of the Interior
- D. AUTHORITY: 43 U.S.C., 931d and 1201
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 9

Regulations of this part apply only to public lands under the administration of the Department of the Interior.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 9.4 states that applicants for a permit, lease or easement must file an application in type-written form. No particular form is prescribed, but the application must include: (1) the name and post office address of the applicant; (2) the legal description of the lands desired or, if not surveyed according to the rectangular system of surveys, the description in sufficient detail to permit accurate identification, and if an easement for a right-of-way is involved, maps as specified in 43 C.F.R. § 2802.1-5; (3) a statement showing the purposes for which lands would be used; and (4) the name and title of the person making application, together with a statement showing his authority to make application on behalf of the applicant.

Section 9.2 states that, for public lands under the administration of the Bureau of Land Management (BLM), applications shall be filed in that office of the BLM having jurisdiction over the lands. For public lands under the administration of the United States Fish and Wildlife Service, applications shall be filed in the local office of the Hatchery, refuge or other station which has jurisdiction over the lands. For public lands under the administration of the Bureau of Reclamation, applications shall be filed in the office of the Regional Director who has jurisdiction over the lands. For public lands under the administration of the Bureau of Indian Affairs, application shall be filed in the office of the superintendent of the agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands.

H. PROCESSING REQUIREMENTS:

1. Number of Forms: Three (four if lands are administered by the U.S. Fish and Wildlife Service.)

I. NATURE OF APPROVAL:

2. Duration of Permit: The term of all leases, permits, and easements will be fixed by the authorized officer but may not exceed 30 years.
3. Conditions: All minerals, together with the right to mine and remove the same under applicable laws and regulations, will be reserved to the United States.
5. Renewal Procedures: Such instruments will be renewable at the discretion of such officer.

- A. NAME OF PERMIT: Lease of Minerals
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.3,4
- C. AGENCY: Department of the Interior (Note: Functions of the Secretary of Interior relating to promulgation of regulations, fostering of competition, implementation of alternative bidding systems and awarding of leases were transferred to DOE by Pub. L. 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. § 7152(b)).
- D. AUTHORITY: Mineral Lands Leasing Act of 1920, 30 U.S.C. §§ 181 et seq.; Reorganization Plan No. 3 of 1946, U.S. Code Cong. & Adm. News, p. 1673, § 402 (Interior has all mineral leasing authority, including that over USFS Lands); Mineral Lands Leasing Act for Acquired Lands, 30 USC, 351 et seq. 30 U.S.C. § 241 provides for leases of oil shale. Pursuant to Executive Order 5327 of April 15, 1930, oil shale on federal lands was temporarily withdrawn from further lease and reserved for further investigation of the potential for oil shale development. Under this Order, preference right leases were essentially halted, despite the language of 1960 amendments to the Mineral Lands Leasing Act of 1920 (Pub. L. 86-705), which allows the continuation of leasing.
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 3500
- 43 C.F.R. Part 3500 deals with leasing of minerals other than oil and gas.
- Section 3500.1-1 states that minerals subject to leasing include solid and semisolid bitumen and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.
- Section 3502.4 contains information regarding additional statements to be filed if the applicant is a corporation. Such additional statements include: (1) evidence showing the state in which it is incorporated; (2) that it is authorized to hold leases for mineral deposits; (3) names of the officers authorized to act in behalf of the corporation; (4) the percentage of the corporation's voting stock and all of the stock owned by aliens or those having addresses outside the United States; and (5) the

name, address, citizenship, and acreage holdings of any shareholder owning or controlling ten percent or more of the corporate stock of any class. If more than ten percent of the stock is owned or controlled by or on behalf of aliens or persons having addresses outside of the United States, their names and addresses, the amount and class of stock held by each, and facts as to citizenship of each must be given.

Section 3502.1 states that every applicant for a permit or lease must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor do not exceed in the aggregate the acreage limitation identified in § 3501.1-4.

Section 3502.7 states that every applicant for lease or permit must submit at the time of filing the application, a signed statement that he or it is the sole party in interest in the application and the lease or permit. If he or it is not, names of other interested parties must be given and statements signed by them setting forth the nature and extent of the interest of each in the application, the nature of the agreement between them, including a copy of such agreement if written, must also be submitted.

- K. The case Mecham v. Udall, 369 F.2d 1 (10th Cir. 1966), resulted in Executive Order 5327 being declared valid. The 1960 amendments allow further leasing but do not mandate it. In practice, preference right leasing is not being conducted.

01421

- A. NAME OF PERMIT: Oil Shale Lease
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Mineral Lands Leasing Act of 1920, 30 U.S.C. §§ 181-263 (see 01420)

A detailed lease will be prepared for oil shale development. (See 01420) Part of that lease contains environmental stipulations, some of which will be applicable to completion of an environmental impact statement if required (see 01350).

- E. APPLICABLE REGULATIONS/STANDARDS: 30 C.F.R. Part 231; 43 C.F.R. Part 23, 43 C.F.R. Part 3500

01422

- A. NAME OF PERMIT: Detailed Development Plan
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of the Interior, U.S. Geological Survey
- D. AUTHORITY: Mineral Lands Leasing Act of 1920, 30 U.S.C. §§ 181-263 (see 01420)
- E. APPLICABLE REGULATIONS/STANDARDS: 30 C.F.R. Part 231, 43 C.F.R. § 23.8
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Oil Shale Lease (see 01421)

01425

- A. NAME OF PERMIT: Lease of National Forest Wilderness
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.5
- C. AGENCY: Department of Agriculture
- D. AUTHORITY: Wilderness Act of 1964, 16 U.S.C. §§ 1131 et seq.

16 U.S.C. § 1133(d)(3) states that mineral leases, permits, and licenses covering lands within national forest wilderness areas must contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed.

- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Subpart 3567

43 C.F.R. Subpart 3567 sets forth procedures to be followed by persons wishing to prospect on lands within National Forest Wilderness, and special provisions pertaining to mineral leases, licenses, and permits within National Forest Wilderness.

- A. NAME OF PERMIT: Rights-of-Way on National Forest Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,2,3,5,6,9.0.5
- C. AGENCY: Forest Service, U.S. Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

43 U.S.C. § 1761 states that the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for, among others: (1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water; (2) pipelines and other systems for the transportation or distribution of liquids and gases other than water and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, and for storage and terminal facilities, in connection therewith; (3) systems for generation, transmission, and distribution of electric energy; (4) systems for transmission or reception of radio, television, telephone and telegraph; and (5) roads, trails, highways, railroads, canals, tunnels, tramways, airways or other means of transportation.

Section 1763 provides that in order to minimize environmental impact, rights-of-way will be set in corridors as much as possible.

Section 1764(f) requires approval to remove vegetative materials, including timber, within or without a right-of-way, and dispose of the same.

- E. APPLICABLE REGULATIONS/STANDARDS: Regulations for specific right-of-way permits are covered separately.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: Section 1764(g) requires annual advance payment of the fair market value of the right-of-way or its renewal.

Section 1764(i) allows the Secretary of Agriculture to require a right-of-way holder to furnish a bond or other security satisfactory to complete all obligations attendant thereto.

5. Appeals: See 36 C.F.R. Part 211 Subpart B.

- K. ADDITIONAL REPORTS: 43 U.S.C. § 1761(b)(2) requires that a partnership, corporation, association, or other business entity provide information regarding: (1) names and addresses of partners; (2) names and addresses of shareholders with greater than 30% of shares; and (3) names and addresses of affiliates or controlling entities and their degree of control.

Section 1764(d) requires the submittal of a construction, operation and rehabilitation plan for projects which will have a "significant impact" on the environment.

01431

- A. NAME OF PERMIT: Commercial Hauling Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.5
- C. AGENCY: The Chief, Forest Service, Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. § 212.7

36 C.F.R. § 212.7 concerns road system management, specifically rules which apply to all roads under the jurisdiction of the Forest Service. Section 212.7(a)(2)(iii) states that permits or other written authorization may be required by the Chief for commercial hauling. Requirements for permit or other written authorization are effective when signs giving notice thereof have been posted on the road. Section 212.7(c) states that the Chief may condition the permission to use a road, or segment thereof, upon payment to the United States of the proportion of the cost and bearing proportionate maintenance as determined to be attributable to the owner's or hauler's use. The hauling of minerals would be considered a commercial enterprise and thus subject to the permit requirement.

H. PROCESSING REQUIREMENTS:

- 5. Appeals: See 36 C.F.R. Part 211 Subpart B.

01432

- A. NAME OF PERMIT: Timber Sales Pursuant to Clearing Right-of-Way on Forest Service Land
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,2,3,5,6,9.0.5
- C. AGENCY: United States Forest Service, Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. and Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. Part 223

36 C.F.R. § 223.1 deals with authorization for sale and disposal of timber. Section 223.1(h) states that permission may be granted to cut, damage, or destroy trees, or other forest products on National Forest System lands without advertisement when necessary for the occupancy of a right-of-way or other authorized use of National Forest System land. Payment will be required at its appraised value, with some exceptions. (See 43 U.S.C. § 1761) (See 01400)
- F. PRECEDENT PERMITS/EVENTS: Right-of-Way under 43 U.S.C. § 1761

01433

- A. NAME OF PERMIT: Permit to Exercise Mining Rights
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.5
- C. AGENCY: Forest Service, U.S. Department of Agriculture.
- D. AUTHORITY: 7 U.S.C. § 1011, 16 U.S.C. §§ 485, 486, 515-519
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. § 251.15

36 C.F.R. § 251.15 states that whoever undertakes to exercise the right to enter upon lands conveyed to the United States, i.e. lands conveyed in fee simple absolute, and to prospect for, mine and remove minerals, oil, gas, or other inorganic substances, must give prior written notice to the Forest Service and must submit satisfactory evidence of authority to exercise such right. None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for authorized programs of the Forest Service until the record owner applies for and receives a permit authorizing such use.

H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice:
- 4. Fee Schedule/Bond: Initial payment of the annual fee, which shall be at the rate of \$2.00 per acre or fraction of acre, must be paid before the permit will be issued.

01435

- A. NAME OF PERMIT: Special Use Permit on Forest Service Land
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.5
- C. AGENCY: Forest Service, U.S. Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. Part 251

36 C.F.R. § 251.1 states that all uses of national forest lands, improvements, and resources, excepting those provided for in the regulations governing the disposal of timber and the grazing of livestock or otherwise specifically authorized by acts of Congress, shall be authorized by special use permits. Special use permits shall be issued by the Chief of the Forest Service or others authorized by him, and shall be in the form and contain such terms, stipulations, conditions and agreements as may be required by the regulations of the Secretary of Agriculture and the instructions of the Chief of the Forest Service.

01439

- A. NAME OF PERMIT: Right-of-Way for Communications Facilities
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.9.0.5
- C. AGENCY: Forest Service, U.S. Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. § 251.1(c)(3)
- Section 251.1(c) authorizes the Chief of the Forest Service to issue permits, execute leases, and grant easements for rights-of-way for poles and lines, including telephone and telegraph lines, for communication purposes, and for radio, television, and other forms of communication transmitting relay, and receiving structures and facilities.
- H. PROCESSING REQUIREMENTS:
5. Appeals: 36 C.F.R. Part 211 Subpart B.

01447

A. NAME OF PERMIT: Special Use Permit for Water Well on Public Lands

B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.3,4,5

C. AGENCY: Bureau of Land Management, Department of the Interior

D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761) (See 01400)

E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2922

43 C.F.R. Part 2922 contains special provisions relating to permits for drilling water wells. Section 2922.1 provides for testing of wells and for examination of records as well as provisions for exploratory wells if and when the permittee abandons a well.

All consistent requirements of 43 C.F.R. §§ 2920.1 and 2920.5(d) apply.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: A surety bond may be required as a condition precedent to the issuance of a well permit, to insure proper capping or plugging of the well and restoration of the site.

I. NATURE OF APPROVAL:

5. Renewal Procedures: Renewals may be granted only if, before the expiration of the prior permit, the applicant has: (1) actually initiated well drilling on the land, with a firm commitment to have the well completed without delay; or (2) encountered unforeseeable difficulty, and although no drilling has been initiated, has made a firm commitment to have the well completed without delay.

01453

- A. NAME OF PERMIT: Right-of-Way for Electrical Power Transmission Lines
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.6.0.5
- C. AGENCY: United States Forest Service, Department of Agriculture
- D. AUTHORITY: Federal Land Use Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)
(See 01400)
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. § 251.50
- H. PROCESSING REQUIREMENTS:
 - 5. Appeals: 36 C.F.R. Part 211 Subpart B.

01454

- A. NAME OF PERMIT: Right-of-Way Power Transmission Line
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.6.0.3,4
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01400)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2850
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: See general requirements listed in 43 C.F.R. Part 2800. (See 01402)

01458

- A. NAME OF PERMIT: Rights-of-Way for Radio/Television
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.9.0.4,5
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01400)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2800

43 C.F.R. Subpart 2861 contains regulations for radio and television sites. Any application for a line right-of-way in excess of 100 feet in width or for a structure or facility right-of-way of over 10,000 square feet must state reasons why the larger right-of-way is required.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Forms 3 and 4, Appendix B, must be completed under Part 2861 when an application is made for a right-of-way for a site for a communication structure or facility.

01463

- A. NAME OF PERMIT: Right-of-Way for Telephone or Telegraph Lines
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.9.0.5
- C. AGENCY: United States Forest Service, Department of Agriculture
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)
- E. APPLICABLE REGULATIONS/STANDARDS: 36 C.F.R. § 251.1(c)(3)
- H. PROCESSING REQUIREMENTS:
 - 5. Appeals: 36 C.F.R. Part 211 Subpart B.

01464

- A. NAME OF PERMIT: Right-of-Way for Telephone and Telegraph Lines
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.9.0.3,4
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01400)

- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2800

Subpart 2862 contains regulations concerning telephone and telegraph lines. In case a right-of-way is desired upon public lands partly within and partly without a National Forest, separate applications must be prepared. Applications for a right-of-way involving lands under the control of a department or agency other than the Department of the Interior should be prepared in accordance with the regulations issued by such department. Any application for a line right-of-way in excess of 100 feet in width or for a structure or facility right-of-way of over 10,000 square feet must state reasons why the larger right-of-way is required.

- H. PROCESSING REQUIREMENTS: (See general procedures, 43 C.F.R. Part 2800 (01402))

- I. NATURE OF APPROVAL:

2. Duration of Permit: 50 years or less.

- A. NAME OF PERMIT: Lease on Public Lands for Public Airport
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.3,4
- C. AGENCY: Department of the Interior, Federal Aviation Administration
- D. AUTHORITY: Airports Act, 49 U.S.C. §§ 211-214

49 U.S.C. §§ 211-214 authorize the Secretary of the Interior in his discretion and under such regulations as he may prescribe, to lease for use as a public airport, any contiguous, unreserved and unappropriated public lands, not to exceed 2,560 acres in area.

- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2911

43 C.F.R. Part 2911 contains regulations for leases for public airports. Leases are for a period not to exceed 20 years and may be renewed for a similar period. The lease may be cancelled if the lessee fails to use the leased premises or any part thereof, or uses it or any part thereof for a purpose foreign to the proper use, or fails to pay the annual rental, or fails to maintain the premises according to ratings set by the Federal Aviation Administration, or fails to comply with the regulations or terms of the lease.

- H. PROCESSING REQUIREMENTS:

- 4. Fee Schedule/Bond: The application must be accompanied by a nonrefundable \$10 service fee. An annual rental is required.

- I. NATURE OF APPROVAL:

- 2. Duration of Permit: 20 years
- 5. Renewal Procedures: The application may be renewed for a period of 20 years.

01473

A. NAME OF PERMIT: Rights-of-Way for Oil or Natural Gas Pipelines on Public Lands

B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.5.0.3,4,5

C. AGENCY: Department of the Interior.

D. AUTHORITY: 30 U.S.C. § 185

30 U.S.C. § 185 authorizes the Secretary of the Interior to grant rights-of-way through public lands for pipeline purposes for the transportation of oil or natural gas. Section 185(e) states that a right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary of the Interior finds necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety. Section 185(f) states that the rights-of-way or permits granted are subject to regulations promulgated and to such terms and conditions as the Secretary of the Interior may prescribe.

E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2880 (Subparts 2881, 2882)

G. APPLICATION AND PREREQUISITE REQUIREMENTS: See general procedures, 43 C.F.R. Part 2800. (See 01402)

I. NATURE OF APPROVAL:

3. Conditions: 43 C.F.R. § 2881.1 contains required stipulation for certain pipelines.

01478

- A. NAME OF PERMIT: Right-of-Way for Tramroad
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.3,4,5
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq.

(See 01400 and 01401)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Part 2800

43 C.F.R. § 2811.1 contains requirements for applications for temporary rights-of-way.
- F. PRECEDENT PERMITS/EVENTS: Follow general procedures of 43 C.F.R. Part 2800. (See 01402)
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: No special form for application is required, but it should state whether the applicant is qualified under state law to acquire the right-of-way applied for and must be accompanied by three copies of a map or sketch showing the location of the right-of-way.
- I. NATURE OF APPROVAL: Temporary rights-of-way are to be used for a period of not more than six months. Within the discretion of the issuing officer, the holder of the temporary permit may be granted a single extension of the permit for a period of not more than six months.

01488

- A. NAME OF PERMIT: Right-of-Way for Railroad
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.3,4,5
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq. (§ 1761)

(See 01400)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Subpart 2842.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Forms 1 through 8 are relevant, Appendix A. (See general requirements of 43 C.F.R. Part 2800) (See 01402).
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Upon completion of construction, duplicate copies of Forms 5 and 6 must be filed.

01491

- A. NAME OF PERMIT: Easements on Real Property of the United States
- B. APPLICABILITY/DESCRIPTION:
- C. AGENCY: Department of the Interior, Bureau of Land Management
- D. AUTHORITY: 40 U.S.C. §§ 319-319c
- E. APPLICABLE REGULATIONS/STANDARDS: 43 C.F.R. Subpart 2892

Subpart 2892 authorizes grants of easements for rights-of-way in, over, or upon real property of the United States, if they cannot be granted under any other section of this subpart. The term "real property of the United States" is defined to exclude "the public lands . . . in the United States, including lands reserved or dedicated for national forest purposes, lands administered by the Secretary of the Interior in accordance with the act of August 25, 1916 (39 Stat. 535), as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes."

The regulations of this section do not apply to any public domain lands, nor to any acquired lands which are administered by the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs. They are applicable to other acquired Lands administered by the Department of the Interior in the States.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: All requirements of 43 C.F.R. Part 2800 apply unless waived by the authorized officer.
- I. NATURE OF APPROVAL:
 - 3. Conditions: The application may be terminated upon notice from the authorized officer for: (1) failure to comply with conditions; (2) non-use of the easement for two consecutive years; or (3) abandonment of the easement. (43 C.F.R. § 2892.2)

01500

- A. NAME OF PERMIT: Mineral Leasing on Allotted Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.7
- C. AGENCY: Bureau of Indian Affairs
- D. AUTHORITY: 25 U.S.C. § 396

- A. NAME OF PERMIT: Lease of Unallotted Indian Lands for Mining
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 396a

25 U.S.C. § 396a states that unallotted lands within any Indian reservation or lands owned by any tribe, group or band of Indians under Federal jurisdiction may, with the approval of the Secretary of the Interior, be leased for mining purposes, by authority of the tribal council or other authorized spokesmen for such Indians, for such terms not to exceed ten years and as long thereafter as minerals are produced in paying quantities.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Parts 171 and 177

25 C.F.R. Parts 171 and 177 deal with the leasing of tribal lands for mining and the surface exploration, mining and reclamation of lands, respectively.

- F. PRECEDENT PERMITS/EVENTS: Environmental impact statement or negative declaration under NEPA.

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The mining supervisor shall "promptly" review the exploration and mining plans submitted to him and indicate any changes, additions or amendments necessary to meet the requirements.

01505

- A. NAME OF PERMIT: Uintah/Ouray Reservation
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 171

Section 171.1a states that by the act of July 14, 1956 (70 Stat. 546), title to minerals underlying certain lands in Utah was vested in the United States in trust for the Ute Indian Tribe of the Uintah and Ouray Reservation.

01506

- A. NAME OF PERMIT: Approval of Operations on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.23,25.7
- C. AGENCY: Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 171

Section 171.20 states that no operations will be permitted on any lease before it is approved by the Secretary of the Interior.

01507

- A. NAME OF PERMIT: Inspection for Removal of Machinery on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 171

Section 171.24 states that the machinery necessary to operate the mine is deemed to be property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agent to be in satisfactory condition.

01508

- A. NAME OF PERMIT: Permit to Explore on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: U.S. Geologic Survey, Regional Mining Supervisor
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 177

Section 177.6 states that before commencing any surface disturbing operations to explore, test, or prospect for minerals, the operator shall file with the mining supervisor a plan for the proposed exploration operations.

01509

- A. NAME OF PERMIT: Approval of Mining Plan on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: U.S. Geologic Survey, Regional Mining Supervisor
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 177

Section 177.7 states that before surface mining operations may commence under any permit or lease, the operator must file a mining plan with the mining supervisor and obtain his approval of the plan. Special requirements exist for those instances in which the permit or lease requires the revegetation or regrading and backfilling of an area of land.

01510

- A. NAME OF PERMIT: Government Reservation of Right to Buy Output of Mine on Indian Lands (in time of war or other public emergency).
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 171.11

01511

- A. NAME OF PERMIT: Lease/Permit for Ancillary Exploration or Mining Activities on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 415

25 U.S.C. § 415 states that any restricted Indian lands, whether tribally, or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 131 (See 01514) *Proposed Rules, Oct. 6, 1978.

I. NATURE OF APPROVAL:

1. Form of Approval: Prior to approval of the lease or extension of existing lease, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.
2. Duration of Permit: Section 415(a) states that all leases granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico.
5. Renewal Procedures: Section 415(a) states that leases for public, religious, educational, recreational, residential, or business purposes, with the

consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Possible environmental impact statement.

01513

- A. NAME OF PERMIT: Lease of Occupied Indian Land for Mining
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 397

25 U.S.C. § 397 states that where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed ten years, for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to approval of the Secretary of the Interior.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 131
(See 01514 and 01511)

I. NATURE OF APPROVAL:

- 2. Duration of Permit: Leases may be for a period not to exceed ten years.

01514

- A. NAME OF PERMIT: Lease of Indian Lands Held in Trust
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Allottee and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 403

25 U.S.C. § 403 states that any Indian allotment held under a trust patent may be leased by the allottee for a period not to exceed five years, subject to and in conformity with such rules and regulations as the Secretary of the Interior may prescribe.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 131 (see 01511)

25 C.F.R. Part 131 deals with regulations for leasing and permitting.

Section 131.2 indicates circumstances under which the Secretary of the Interior may grant leases on individually owned land. Such circumstances include, among others, individually owned land of an adult Indian whose whereabouts is unknown, on such terms as are necessary to protect and preserve such property. The Secretary of the Interior may also grant permits on Government land. Section 131.3 identified circumstances under which owners or their representatives may grant leases.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 131.5 states that all leases made pursuant to the regulations in this part shall be in the form approved by the Secretary of the Interior and subject to his written approval.

- H. PROCESSING REQUIREMENTS:

- 4. Fee Schedule/Bond: Section 131.5(c) states that unless otherwise provided by the Secretary of the Interior, a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations of the lease.

- I. NATURE OF APPROVAL:

2. Duration of Permit: Section 131.8 states that leases shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return with prudent management and conservation practices.

3. Conditions: Section 131.5(d) states that the lessee may be required to provide insurance in an amount adequate to protect any improvements on the leased premises, liability insurance, and such other insurance as may be necessary to protect the lessor's interest.

Section 131.5(g) contains additional requirements to be contained in the lease when the leased premises are in trust or restricted status, or otherwise.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Possible environmental impact statement.

01515

- A. NAME OF PERMIT: Public Highway Right-of-Way Across Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.0.7
- C. AGENCY: Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. §§ 311 et seq.

25 U.S.C. § 311 states that the Secretary of the Interior is authorized to grant permission upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indian under any laws or treaties but which have not been conveyed to the allottee with full power of alienation.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 161 (Proposed Rules, June 27, 1978)

25 C.F.R. Part 161 contains regulations and prescribes the procedures, terms and conditions under which rights-of-way over and across tribal land, individually owned land and Government owned land may be granted.

Section 161.28 deals with public highways and states that the appropriate State or local authorities may apply under the regulations in this Part 161 for authority to open public highways across tribal and individually owned lands in accordance with State laws.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: 25 C.F.R. § 161.5 applies. (See 01519)

Section 161.16 states that upon completion of the right-of-way, the applicant shall promptly file with the Secretary of the Interior an affidavit of completion, in duplicate, executed by the engineer and certified by the applicant.

- H. PROCESSING REQUIREMENTS:

- 1. Number of Forms: The affidavit of completion of right-of-way must be filed in duplicate.

I. NATURE OF APPROVAL:

2. Duration of Permit: Section 161.18 states that rights-of-way for railroads, telephone lines, telegraph lines, public roads and highways, access roads to homesite properties, public sanitary and storm sewer lines, oil, gas, and public utility water pipelines, electric power projects, generating plants, switchyards, electric transmission and distribution lines, and for service roads and trails essential to any of the aforestated use purposes, may be without limitation as to term of years; whereas, rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as determined by the Secretary of the Interior and stated in the conveyance instrument.
5. Renewal Procedures: Section 161.19 states that on or before the expiration date of any right-of-way heretofore or hereafter granted for a limited term of years an application may be submitted for a renewal of the grant. If any change in the size, type or location of the right-of-way is involved, the application for renewal shall be treated and handled as in the case of an original application for a right-of-way.

01517

- A. NAME OF PERMIT: Permission to Survey for Right-of-Way Across Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 5 U.S.C. § 301
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 161.4 (see 01515)

25 C.F.R. § 161.4 states that anyone desiring to obtain permission to survey for a right-of-way across individually owned, tribal or Government owned land must file a written application therefor with the Secretary of the Interior. An application filed by a corporation must be accompanied by a copy of its charter or articles of incorporation duly certified by the proper state official of the State where the corporation was organized, and a certified copy of the resolution or bylaws of the corporation authorizing the filing of the application. If the land covered by the application is located in a state other than that in which the corporation was incorporated, it must also submit a certificate of the proper state official that the applicant is authorized to do business in the state where the land is located. Additional requirements exist for unincorporated associations or partnerships or when the applicant is an agency or instrumentality of the Federal or State government.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall adequately describe the proposed project, including the purpose and general location, and it shall be accompanied by the written consent of the tribe or owner or owners of the land, by satisfactory evidence of the good faith and financial responsibility of the applicant.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: The application shall be accompanied by a check or money order of sufficient amount to cover twice the estimated damages which may be sustained as a result of the survey. With the

approval of the Secretary of the Interior, a surety bond may be substituted in lieu of a check or money order, provided the company issuing the surety bond is licensed to do business in the state where the land to be surveyed is located.

I. NATURE OF APPROVAL:

1. Form of Approval: Upon receipt of an application made in compliance with Part 161, the Secretary of the Interior may grant the applicant written permission to survey.
3. Conditions: The application shall contain an agreement to indemnify the United States, the owners of the land, and occupants of the land, against liability for loss of life, personal injury and property damage occurring because of survey activities and caused by the applicant, his employees, contractors and their employees, or sub-contractors and their employees.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Permit to construct. (See 01519)

01518

- A. NAME OF PERMIT: General Rights-of-Way Across Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior (Bureau of Indian Affairs)
- D. AUTHORITY: 25 U.S.C. § 323

25 U.S.C. § 323 states that the Secretary of the Interior is empowered to grant rights-of-way for all purposes, subject to such conditions as he may prescribe, over and across any lands now or hereafter held in trust by the United States for individual Indians or Indian tribes, communities, bands or nations, or any lands now or hereafter owned, subject to restrictions against alienation, by individual Indians or Indian tribes, communities, bands, or nations. The consent of a majority of the adult members of an Indian Community is required in order to obtain a right-of-way.

01519

- A. NAME OF PERMIT: General Procedures for Obtaining Right-of-Way Over Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 5 U.S.C. § 301
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 161.5

25 C.F.R. § 161.5 contains regulations concerning application for rights-of-way.

Written application for a right-of-way shall be filed with the Secretary of the Interior. An application filed by a corporation must be accompanied by a copy of its charter or articles of incorporation duly certified by the proper state official of the state where the corporation was organized, and a certified copy of the resolution or bylaws of the corporation authorizing the filing of the application. When the land covered by the application is located in a state other than that in which the applicant was incorporated, it must also submit a certificate of the proper state official that the applicant is authorized to do business in the state where the land is located. Additional requirements exist for an unassociated partnership or association, or for an applicant which has previously filed an application.

- F. PRECEDENT PERMITS/EVENTS: Permission to survey.
(See 01517)
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall cite the statute or statutes under which it is filed and the width and length of the desired right-of-way, and shall be accompanied by satisfactory evidence of the good faith and financial responsibility of the applicant. The application shall be accompanied by maps of definite location, field notes, and a duly executed stipulation, in duplicate, expressly agreeing to several enumerated conditions. (See § 161.5(a) to (k).)
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: The application must be submitted in duplicate.

I. NATURE OF APPROVAL:

2. Duration of Permit: Section 161.18 states that rights-of-way for railroads, telephone lines, telegraph lines, public roads and highways, access roads to homesite properties, public sanitary and storm sewer lines, oil, gas, and public utility water pipelines, electric power projects, generating plants, switchyards, electric transmission and distribution lines, and for service roads and trails essential to any of the aforesaid use purposes, may be without limitation as to term of years; whereas, rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as determined by the Secretary of the Interior and stated in the conveyance instrument.
5. Renewal procedures: Section 161.19 states that on or before the expiration date of any right-of-way heretofore or hereafter granted for a limited term of years, an application may be submitted for a renewal of the grant. If any change in the size, type or location of the right-of-way is involved, the application for renewal shall be treated and handled as in the case of an original application for a right-of-way.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Affidavit of completion. (See 01515)

01525

- A. NAME OF PERMIT: Right-of-Way for Various Utilities Across Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3,9.0.7
- C. AGENCY: Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. §§ 319, 323 to 328

25 U.S.C. § 319 deals with rights-of-way for telephone and telegraph lines and states that the Secretary of the Interior is authorized and empowered to grant a right-of-way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any treaty or law, but which have not been conveyed to the allotted with full power of alienation. Maps of definite location of lines are subject to the approval of the Secretary of the Interior.

25 U.S.C. § 312 (see 01527) relates to rights-of-way for such facilities on allotted lands, such rights to be granted to railroad companies pursuant to construction of railroad lines.

Sections 324 to 328 contain regulations concerning, among others, rights-of-way for all purposes across any Indian lands and the consent of certain tribes and individual Indians and rules and regulations related thereto. Section 324 states that no grant of a right-of-way over and across any lands belonging to certain tribes shall be made without the consent of the proper tribal officials. Also identified are circumstances under which rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners. Section 328 states that the Secretary of the Interior is authorized to prescribe any necessary regulations for the purpose of administering the provisions of Sections 323 to 327 of this title.

E. APPLICABLE REGULATIONS STANDARDS: 25 C.F.R. Part 161

25 C.F.R. § 161.26 deals with regulations for telephone and telegraph lines, radio, television and other communications facilities. It states that no right-of-way shall be granted for a width in excess of 50 feet on each side of the centerline unless special requirements are clearly set forth in the application which fully justify the additional width.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: 25 C.F.R. § 161.5 applies. (See 01519)

I. NATURE OF APPROVAL:

2. Duration of Permit: A right-of-way as amended, granted under the act of March 4, 1911, 43 U.S.C. 961, shall be limited to a term not exceeding 50 years from the date of the issuance of such grant.

- A. NAME OF PERMIT: Right-of-Way for Railroad Companies to Build Railroad Lines and Other Facilities
- B. APPLICABILITY/DESCRIPTION:
- C. AGENCY: Department of the Interior
- D. AUTHORITY: 25 U.S.C. §§ 312-318, 320

25 U.S.C. § 312 states that a right-of-way for a railway, telegraph and telephone line through any Indian reservation or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is granted to any railroad company organized under the laws of the United States which shall comply with §§ 312-318 of this title and such rules and regulations as may be prescribed thereunder.

Section 317 states that the Secretary of the Interior shall make all needful rules and regulations, not inconsistent with §§ 312-318 of this title, for the proper execution and carrying into effect of all the provisions of said sections.

Section 320 deals with acquisition of lands for reservoirs or materials and states that the Secretary of the Interior is authorized to grant lands to any railway company owning or operating a line of railway in any Indian reservation for reservoirs, material or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway. When any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, upon the payment of the price agreed upon, the Secretary shall cause such lands to be conveyed to the railway company upon such terms and conditions as he may deem proper, provided that no lands can be acquired in greater quantities than forty acres for one reservoir, and one hundred sixty acres for any material or ballast pit.

- F. PRECEDENT PERMITS/EVENTS: A line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission being obtained from the Secretary of the Interior.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: Before the grant of such right-of-way shall become effective, a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary for the benefit of the tribe or nation, of full compensation for such right-of-way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary, in the manner he may prescribe.

I. NATURE OF APPROVAL:

2. Duration of Permit: Section 315 states that if any company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right-of-way granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation.
3. Conditions: A condition precedent to each and every grant or right-of-way shall be a stipulation that the railroad company applying for such grant will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right-of-way.
5. Renewal Procedures: The Secretary of the Interior may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right-of-way has been granted and a part of which shall have been built.

- A. NAME OF PERMIT: Right-of-Way for Pipeline on Indian Land
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.5.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- D. AUTHORITY: 25 U.S.C. § 321

25 U.S.C. § 321 states that the Secretary of the Interior is authorized and empowered to grant a right-of-way in the nature of an easement for the construction, operation, and maintenance of pipelines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation upon the terms and conditions herein expressed. Before title to rights-of-way applied for hereunder shall vest, maps of definite location shall be filed with and approved by the Secretary of the Interior, provided, that before such approval the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant temporary permits revocable in his discretion for the construction of such lines.

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 161.25

25 C.F.R. § 161.25 deals with regulations for oil and gas pipelines. All oil and gas pipelines, including connecting lines, shall be buried a sufficient depth below the surface of the land so as not to interfere with cultivation. Whenever the line is laid under a road or highway, its construction shall be in compliance with the applicable Federal and State laws. Upon completion, the road or highway shall be restored to its original condition and all excavations shall be refilled. Whenever the line crosses a ravine, canyon or waterway, it shall be laid below the bed thereof or upon such superstructure as will not interfere with the use of the surface.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: The size and description of the proposed pipeline must be shown in the application, on the maps, and in the engineer's affidavit and applicant's certificate. Should the grantee of an approved right-of-way desire at any time to lay additional line or lines of pipe in the same trench, or to replace the original line with larger or smaller pipe, written permission must first be obtained from the Secretary of the Interior and all damages to be sustained by the owners must be paid in advance in the amount fixed by the Secretary.

I. NATURE OF APPROVAL:

2. Duration of Permit: The rights granted shall not extend beyond a period of twenty years.

5. Renewal Procedures: The Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipeline constructed under this section for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Applicants for oil and gas pipeline rights-of-way may apply for additional land for pumping stations or tank sites and must execute and file a stipulation containing various agreements relating thereto.

01535

- A. NAME OF PERMIT: Permit to Explore Ruins
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Department of the Interior
- D. AUTHORITY: Antiquities Act of 1906, 16 U.S.C. §§ 431 et seq. (§ 432)

(See 01113)

- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 132

25 C.F.R. § 132.2 states that the Departmental Consulting Archeologist may grant permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on Indian Tribal lands or on individually owned trust or restricted Indian lands.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Permit application forms may be obtained from:

Departmental Consulting Archeologist
National Park Service
Interior Building
Washington, D.C. 20240

Completed applications should be directed to the Departmental Consulting Archeologist who will grant permits to reputable museums, universities, colleges or other recognized scientific or educational institutions, or to their duly authorized agents.

- I. NATURE OF APPROVAL:

- 3. Conditions: Permits may be granted only after obtaining the consent of the Indian landowners, who may impose special conditions for inclusion in the permit, and the concurrence of the Bureau of Indian Affairs official having immediate jurisdiction over the property. Section 132.5 states that after the work is completed, institutions and persons receiving permits for excavation shall restore the lands upon which they have worked to their customary conditions, to the satisfaction of the Indian owners and the Bureau of Indian Affairs official having immediate jurisdiction over said lands.

4. Reviews/Monitoring: Superintendents may at all times examine the permit of any person or institution claiming the privileges referred to, and may fully examine all work done under such permit.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: EIS data gathering re archaeological impacts will require this permit.

01536

- A. NAME OF PERMIT: Sand, Gravel, Pumice and Building Stone Permit
- B. APPLICABILITY/DESCRIPTION:
- C. AGENCY: Bureau of Indian Affairs (BIA) and Indian Tribal Council
- D. AUTHORITY: The form was obtained from the BIA. No statutory or regulatory authority was found. Form Number 5-154j (June 1956)

01537

- A. NAME OF PERMIT: Construction of Bureau of Indian Affairs Roads
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.0.7
- C. AGENCY: Bureau of Indian Affairs (BIA)
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. Part 162

The regulations in this part govern the planning, design, construction, maintenance and general administration of certain Indian reservation roads and bridges.

01538

A. NAME OF PERMIT: Permit for Subsurface Storage of Oil on Indian Lands

B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.7

C. AGENCY: Bureau of Indian Affairs, Department of the Interior

D. AUTHORITY: 25 U.S.C. § 396

E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 171.3a

Section 171.3a provides for subsurface storage of oil or gas, irrespective of the lands from which production is initially obtained.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applications shall be filed in triplicate with the oil and gas supervisor and shall disclose ownership of the lands involved, the parties in interest, and other information showing the necessity for such project.

01539

- A. NAME OF PERMIT: Prospecting Permit on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Bureau of Indian Affairs
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 171.27a

01540

- A. NAME OF PERMIT: Annual Operations Report
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.23,25.7
- C. AGENCY: U.S. Geological Survey, Regional Mining Supervisor
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 177.9

01541

- A. NAME OF PERMIT: Statement re Indian Requirements
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.7
- C. AGENCY: Indian Tribal Council and Secretary of the Interior
- E. APPLICABLE REGULATIONS/STANDARDS: The Uintah/Ouray Indian Reservation (Ute Tribe) has regulations of its own with which a developer may have to comply. Contact with the Tribe itself must be made and a developer will have to comply with these guidelines, as yet undefined.

01542

- A. NAME OF PERMIT: Report of Succession/Abandonment of Operations on Indian Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.7
- C. AGENCY: U.S. Geologic Survey, Regional Mining Supervisor
- D. AUTHORITY: 25 U.S.C. § 396
- E. APPLICABLE REGULATIONS/STANDARDS: 25 C.F.R. § 177.9(d)

An inspection will be made to determine compliance with the approved exploration or mining plan, including reclamation requirements.

01601

- A. NAME OF PERMIT: Certificate of Convenience for Extension or Addition of Railroad Lines
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.0
- C. AGENCY: Interstate Commerce Commission (ICC)
- D. AUTHORITY: 49 U.S.C. § 1(18)

49 U.S.C. § 1(18) states that no carrier by railroad subject to this chapter shall undertake the extension of any of its lines of railroad or the construction of any additional line of railroad unless such extension or additional line of railroad is described in and covered by a certificate which is issued by the ICC and which declare that the present or future public convenience and necessity require or will be enhanced by the construction and operation of such extended or additional line of railroad.

- E. APPLICABLE REGULATIONS/STANDARDS:

49 C.F.R. Part 1120. Section 1120.1 sets forth the specific items of information that must be included in an application for a certificate of convenience and necessity. There must be notice made of the application, by publication in newspapers of general circulation in the areas through which the rail line will pass. Section 1120.6 sets forth items of information that must be furnished in addition to those required in section 1120.1.

- A. NAME OF PERMIT: Approval to Abandon Railroad Line or Discontinue Service.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.0
- C. AGENCY: Interstate Commerce Commission
- D. AUTHORITY: § 205(e)(1)(B), Regional Rail Reorganization Act of 1973, as amended by § 309, Railroad Revitalization and Regulatory Reform Act of 1976; §§ 1, 1a of the Interstate Commerce Act as amended by §§ 801, 802 and 809 of the 1976 Act and § 218 of the Rail Transportation Improvement Act.
- E. APPLICABLE REGULATIONS/STANDARDS: 49 C.F.R. Part 1121. A certificate of convenience and necessity must be issued by the ICC before any railroad line or service may be discontinued. Subpart C sets forth procedures to be followed for notice, application and other factors relating to discontinuance.
- I. NATURE OF APPROVAL: Certificate of convenience and necessity, issued by the Interstate Commerce Commission.

01818

- A. NAME OF PERMIT: Registration Statement for Transportation of Hazardous Material, Explosives
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: United States Department of Transportation.
- D. AUTHORITY: 49 U.S.C. §§ 1801 et seq.

Persons transporting hazardous materials must periodically submit a registration statement, except that an exemption may be issued to persons transporting such materials at an established level of safety, as described in the statutes.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: No application, as such, is required. However, a registration statement giving the information described in the statute must be filed with the Secretary.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Two years.

- A. NAME OF PERMIT: Application for Exception for Major Fuel Burning Installation and Power Plant
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Department of Energy (Formerly Federal Energy Administration (FEA))
- D. AUTHORITY: Energy Supply and Environmental Coordination Act (ESECA), 15 U.S.C. § 792
- E. APPLICABLE REGULATIONS/STANDARDS: 10 C.F.R. Part 303 and 10 C.F.R. Part 307

10 C.F.R. Part 307 states that these regulations establish the procedures whereby the Department of Energy (DOE) exercises its power to require a power plant or major fuel burning installation in the early planning process to be designed and constructed to be capable of using coal as its primary energy source. Any power plant or major fuel burning installation will be required to use coal as the primary energy source unless it can obtain an exception under § 303.70 because serious hardship, inequity or unfair distribution of burdens. Anyone desiring an exception from the regulations requiring the coal burning capability shall file an "Application for Exception (ESECA)" with the DOE.

In § 303.2, "powerplant" is defined as follows:

"Powerplant" means a fossil-fuel fired steam electric generating unit that produces electric power for purposes of sale or exchange, and includes any person who owns, leases, operates or controls any such unit.

"Major fuel burning installation" is defined as follows:

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combustor of fuel, or any combination thereof at a single site, and includes any person who owns, leases, operates or controls any such installation or unit.

Whereas it is unlikely that an oil shale development will include a facility that meets the definition of

- A. NAME OF PERMIT: Notice of Airport Construction, Alteration, Activation, Completion and Deactivation
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.0
- C. AGENCY: Department of Transportation, Federal Aviation Administration (FAA)
- D. AUTHORITY: Federal Aviation Act of 1958, 49 U.S.C. §§ 1301 et seq.

49 U.S.C. § 1350 states that no airport or landing area not involving expenditure of federal funds shall be established, or constructed, or any runway layouts substantially altered unless reasonable prior notice thereof is given the Administrator of the FAA, pursuant to regulations prescribed by him, so that he may advise as to the effects of such construction on the use of their space by aircraft.

- E. APPLICABLE REGULATIONS/STANDARDS: 14 C.F.R. Part 157

14 C.F.R. Part 157 requires notification to the Administrator to be given by anyone constructing, realigning, altering, or activating any airport, runway, landing strip, or associated taxiway.

Section 157.3 identifies specific projects requiring compliance with this Part.

Section 157.5(e) states that information concerning the deactivation, discontinued use or abandonment of an airport, runway or landing strip with an established instrument approach procedure shall be submitted at least 30 days prior to such deactivation, discontinued use or abandonment on FAA Form 7480-1.

14 C.F.R. § 157.9 requires a notice of completion to be given the nearest FAA Airport District Office or Regional Office by letter or postcard of the fact of completion within thirty days after completion of such airport project.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: FAA Form 7480-1 must be submitted, in triplicate, to the nearest FAA Area Manager's Office or FAA Airport District Office at least 90 days before work is to begin.

powerplant, it is likely that natural gas obtained from the retorting process will be used to generate electricity for use at the site, or steam for use in future retorting, or in the alternative, be used to fuel a surface retort. In any case, the amount of gas so burned would be very large, sufficient in all likelihood to constitute a "major fuel burning installation." If that is the case, an Exception from the coal burning requirements of ESECA should be obtained.

40 C.F.R. § 303.80 sets forth procedures for applying for exemptions from requirements of Parts 303 or 307. If this alternative is chosen, there must be amendments made to the regulations themselves, a process which will be more complex in most cases than an application for exemption under § 303.70.

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: Maximum of 150 days at which time applicant may treat the application as having been denied.
3. Hearing Requirements/Notice: Notice required to each person who is reasonably ascertainable as a person who will be aggrieved by the DOE action sought. Such notice shall be accompanied by a statement that the person may submit comments regarding the application to the DOE Office of Exceptions and Appeals within ten days.
5. Appeals: Appeals may be filed with the DOE Office of Exceptions and Appeals within thirty days of service of the order. (10 C.F.R. Part 303, Subpart H)

I. NATURE OF APPROVAL:

1. Form of Approval: DOE order (§ 303.76) either granting or denying the application.

01857

- A. NAME OF PERMIT: Prior Notice of Airport Construction
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.0
- C. AGENCY: Department of Transportation, Federal Aviation Administration
- D. AUTHORITY: Federal Aviation Act of 1958, 49 U.S.C. §§ 1301 et seq. (See 01856)
- E. APPLICABLE REGULATIONS/STANDARDS: 14 C.F.R. Part 157 (See 01856)

01858

- A. NAME OF PERMIT: Notice of Completion of Airport
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.0.0
- C. AGENCY: Department of Transportation, Federal Aviation Administration
- D. AUTHORITY: Federal Aviation Act of 1958, 49 U.S.C. §§ 1301 et seq. (See 01856)
- E. APPLICABLE REGULATIONS/STANDARDS: 14 C.F.R. § 157.9 (See 01856)

- A. NAME OF PERMIT: Notice to FAA of Construction or Alteration
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Federal Aviation Administration (FAA)
- D. AUTHORITY: 49 U.S.C. § 1304
- E. APPLICABLE REGULATIONS/STANDARDS: 14 C.F.R. Part 77
(Proposed Rules - Oct. 26, 1978)

14 C.F.R. § 77.13 states that anyone proposing construction of the type specified in 14 C.F.R. 77.13 (e.g. any construction or alteration of more than 200 feet in height above the ground level or construction near air facilities) shall give adequate notice to the administrator of the FAA. 14 C.F.R. § 77.15 lists exceptions to this requirement.

H. PROCESSING REQUIREMENTS:

- 1. Number of Forms: Four Copies (FAA Form 7460-1)
- 3. Hearing Requirements/Notice: Must be submitted at least 30 days before the date the proposed construction or alteration is to begin or the date the application for construction permit is to be filed.

I. NATURE OF APPROVAL:

- 1. Form of Approval: FAA acknowledgement in writing which contains a statement to the effect and information on how the structure should be marked and lighted; also an acknowledgement that the proposed construction would either not exceed any standard or be a hazard of air navigation or that such construction is going to require further study to determine whether such construction would be a hazard to air navigation.

01870

- A. NAME OF PERMIT: Notification of Construction of Radio Tower
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.6.0.0
- C. AGENCY: Federal Aviation Administration (FAA), Federal Communications Commission (FCC)
- D. AUTHORITY: Communications Act of 1934, 47 U.S.C. §§ 151, et seq. (§§ 154, 303)
- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Part 17

Notification must be made to the FAA of any antenna structure construction or alteration: (1) of more than 200 feet in height above ground level at its site; (2) of greater height than an imaginary surface extending outward and upward at one of the slopes listed at 47 C.F.R. § 17.7(b); (3) when requested by the FAA, which would be in an instrument approach area; or (4) for certain airports and heliports.

Certain exemptions to notification exist (see § 17.16).

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 17.4 states that, when application for a radio station license is made to and reviewed by the FCC, determination will be made as to whether there is a requirement that the applicant file a notice of proposed construction or alteration, FAA Form 7460-1.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Section 17.4(d) states that if a "no hazard determination" is made by the FAA, the antenna structure is deemed not to involve a hazard to air navigation.

01871

- A. NAME OF PERMIT: Permit for Short-Distance Radio-Communications Service
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.6.0.0
- C. AGENCY: Federal Communications Commission (FCC)
- D. AUTHORITY: Communications Act of 1934, 47 U.S.C. §§ 151 et seq. (§§ 154, 303)
- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Subpart 95 D, Citizens' Band Radio Service (Proposed Rules, Nov. 2, 20, 1978).

Section 95.401 states that these rules are designed to provide a private short-distance voice-communications service for the business or personal activities of licensees.

Section 95.403 defines "citizens band radio service station" as a station in the Personal Radio Services licensed to be operated for radio-telephony only, on an authorized frequency in the 26.96-27.41 MHz band.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 95.417 states that an application, FCC Form 505 or 555-B (if for a temporary permit) shall be filed at least 60 days prior to the date on which it is desired that FCC action thereon be completed. Special procedures must be followed to construct a radio station on a site of land under jurisdiction of the U.S. Forest Service, Department of Agriculture, or the Bureau of Land Management, Department of the Interior (see 01439 and 01458).

I. NATURE OF APPROVAL:

- 1. Form of Approval: Section 95.431 states that stations may be authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.
- 2. Duration of Permit: Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification or renewal (§ 95.429).

- A. NAME OF PERMIT: License to Operate Industrial Radio Services
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0.0.
- C. AGENCY: Federal Communications Commission
- D. AUTHORITY: Title III, Communications Act of 1934, 47 U.S.C. §§ 151 et seq.

Industrial enterprises which, for safety purposes or other necessity, require radio transmitting facilities in order to function efficiently, must obtain a license for such radio stations.

- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Part 90, Subpart D
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant shall submit FCC Form 400, along with such supplemental information as may be required by Subpart G of Part 90, at least 60 days prior to the date on which it is desired that Commission action thereon be completed. (see 43 Fed. Reg. 54830 et seq. (November 22, 1978)).

Temporary licenses may be granted for temporary or emergency situations.

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: 60 days

- I. NATURE OF APPROVAL:

- 2. Duration of Permit: Permits are normally issued for a term of 5 years, but may initially be issued for periods of from one to five years to permit the orderly scheduling of renewal applications.
 - 3. Conditions: Each radio station construction permit issued will specify a maximum of eight months after the date of grant as the time within which construction shall be completed and the station ready for operation. If the station is not operational on or before the expiration of the construction permit,

application for extension shall be filed on Form 400.

The permit may be assigned by filing FCC form 703.
See 47 C.F.R. § 90.119(c), 43 Fed. Reg. 54831
(November 22, 1978).

4. Reviews/Monitoring: Stations licensed hereunder shall comply with the regulations set forth in Subpart N of Part 90.
5. Renewal Procedures: Applications for renewal should be submitted on FCC Form 405-A during the license term and should be filed between 30 and 90 days prior to the end of the license term.

- A. NAME OF PERMIT: License to Operate Private Operational-Fixed Microwave Service
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Federal Communications Commission
- D. AUTHORITY: Title III, Communications Act of 1934, 47 U.S.C. §§ 151 et seq.

Operational-fixed radio facilities in the microwave spectrum above 952 MHz must be licensed.

- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Part 94, Proposed rules, Nov. 20, 1978.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The applicant shall submit FCC Form 402, along with such supplemental information as may be required by Subpart B of Part 94, at least 90 days prior to the date on which it is desired that Commission action thereon be completed.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 90 days
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Permits are normally issued for a term of 5 years, but may initially be issued for periods of from one to five years to permit the orderly scheduling of renewal applications.
 - 3. Conditions: Each radio station construction permit issued will specify a maximum of eight months after the date of grant as the time within which construction shall be completed and the station ready for operation. If the station is not operational on or before the expiration of the construction permit, application for extension shall be filed on Form 400.

The permit may be assigned.

- A. NAME OF PERMIT: License to Operate Land Transportation Radio Services
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.0
- C. AGENCY: Federal Communications Commission
- D. AUTHORITY: Title III, Communications Act of 1934, 47 U.S.C. §§ 151 et seq.

Certain land transportation operations which require radio communications must obtain a license therefor.

- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Part 90, Subpart E (see 43 Fed. Reg. 54788 (Nov. 22, 1978))
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The applicant shall submit FCC Form 400, along with such supplemental information as may be required by Subpart E of Part 90, at least 60 days prior to the date on which it is desired that Commission action thereon be completed.

Temporary licenses may be granted for temporary or emergency installations.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: 60 days

I. NATURE OF APPROVAL:

- 2. Duration of Permit: Permits are normally issued for a term of 5 years but may initially be issued for periods of from one to five years to permit the orderly scheduling of renewal applications.
- 3. Conditions: Each radio station construction permit issued will specify a maximum of eight months after the date of grant as the time within which construction shall be completed and the station ready for operation. If the station is not operational on or before the expiration of the construction permit, application for extension shall be filed on Form 400.

The permit may be assigned.

01875

- A. NAME OF PERMIT: Authorization to Operate Special
Emergency Radio Service.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.9.0.0
- C. AGENCY: Federal Communications Commission (FCC)
- D. AUTHORITY: Communications set of 1934, 47 U.S.C. §§ 151
et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 47 C.F.R. Part 90
Subpart C (43 Fed. Reg. 54788 (November 22, 1978)). An
operation located in an isolated area may be eligible to
obtain authorization to operate, on an emergency basis
only, a radio station to establish communications with
population centers. Special eligibility demonstrations
are required. See 47 C.F.R. § 90.47, 43 Fed. Reg. 54804
(Nov. 22, 1978).

02001.01

- A. NAME OF PERMIT: New Source Permit (Fugitive Dust)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Air Pollution Control Division, Colorado Department of Health
- D. AUTHORITY: C.R.S. 1973, §§ 25-7-101 et seq.

New open mining activities and other dust-generating activities must be granted a permit prior to operation.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1001-2, Regulation 1, Sec. II.D.8.
- F. PRECEDENT PERMITS/EVENTS: Air contaminant emission notice
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The Applicant must submit a plan including: (1) a description of the nature and scope of the existing or new source of fugitive dust; (2) preventive measures; (3) a time schedule for abatement and prevention; and (4) a description of monitoring methods.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 95 days maximum
- I. NATURE OF APPROVAL:
 - 2. Duration of permit: Any period of time as deemed appropriate by the Division.
 - 3. Conditions: Any conditions deemed necessary to attain and maintain compliance with the provisions of § II.D.

02001.07

- A. NAME OF PERMIT: Approval of Storage of Petroleum Distillates
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Air Pollution Control Commission
- D. AUTHORITY: C.R.S. 1973, § 25-7-108 (3)(b)

Equipment with a capacity of over 40,000 gallons used to store petroleum distillate must be in accordance with the standards set forth in 5 C.C.R. 1001-2, Regulation 7(B)(1)(a) and (b) or must be approved by the Division for use in a designated air pollution control area (see Reg. 1, p. 35).

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1001-2, Regulation 7(B).

02005

- A. NAME OF PERMIT: Notification of Construction for Source Subject to New Source Performance Standards
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Air Pollution Control Division,
Department of Health
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7411 (§ 111) (See 01005)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. § 60.4(G)
Colorado has assumed control over new source performance standards.

02007

- A. NAME OF PERMIT: Permit for Construction Under NESHAPS Program
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Air Pollution Control Division,
Department of Health
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7412 (§ 112) (See
01007)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. § 61.04(G)
Colorado has assumed control over the NESHAPS program.

02011

- A. NAME OF PERMIT: Direct Air Contamination Source Emission Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Air Pollution Control Commission, Department of Health, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 25-7-112

No person shall construct or operate any new direct air contamination source, or substantially alter an existing air contamination source without first obtaining or having a valid emission permit therefor.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1001-2, Regulation No. 3.
- F. PRECEDENT PERMITS/EVENTS: Planning meeting
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall include equipment information, plans, descriptions, duplicate specifications and drawings sufficient in scope to allow an engineering evaluation to be made to determine whether appropriate air pollution control regulations and ordinances and ambient air quality standards will be met. If the Division determines it necessary, the application shall include acceptable ambient air monitoring and meteorological data, modeling results and other evaluative techniques, procedures and information.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Triplicate, with duplicate copies of all plans, specifications and drawings.
 - 2. Staff Review Time: Within 20 days of filing of application the Division shall prepare and make public its preliminary analysis. If public comment is warranted, the Division shall, within 15 days of preparation of preliminary analysis, publish public notice of application and file a copy of preliminary analysis with the appropriate county clerk. Public comment will be received and considered for 30 days after such publication. Within 30 days following the period for public comment or within 15 days after

preparation of the preliminary analysis where no public comment is warranted, the Division shall grant or deny the permit. (Total: 35-65 days after filing of application.) After 95 days have elapsed with no APCD action, the permit is deemed to have been granted.

3. Hearing Requirements/Notice: Applications subject to public comment shall be limited to those stationary direct sources that show annual emissions which exceed 25 tons.
4. Fee Schedule/Bond: \$40.00 filing a fee plus fee based on hourly rate for Division time spent, not to exceed \$15,000.00.

I. NATURE OF APPROVAL:

1. Form of Approval: An emission permit will be issued, subject to a final approval to be given following inspection by the Division within 30 days after commencement of operation.
3. Conditions: The Division may impose continuing conditions on any permit necessary to meet continuous compliance with Section II.H.1. These may include installation, maintenance, and operation of equipment to monitor and record air quality, meteorological and emission data.
4. Reviews/Monitoring: The project will be inspected as noted in I.1. above and performance tests may be performed prior to granting final approval of emission permit.

02014

- A. NAME OF PERMIT: Permit for Open Burning
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- c. AGENCY: Air Pollution Control Division, Colorado State Department of Health
- D. AUTHORITY: C.R.S. 1973, § 25-7-120

No person shall burn in any incinerator or on open premises rubbish, wastepaper, wood, or other flammable material without first obtaining a permit therefor.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1001-3, Regulation No. 1, (C)
- F. PRECEDENT PERMITS/EVENTS: None
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: None
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 20 days estimate
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Maximum of one year
 - 3. Conditions: Burning must be conducted so as to minimize emissions.

02015

- A. NAME OF PERMIT: Incinerator Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Air Pollution Control Division, Colorado State
Department of Health
- D. AUTHORITY: C.R.S. 1973, § 25-7-120
(See 02014)
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: 10 years

- A. NAME OF PERMIT: Permit for Discharge of Pollutants (NPDES)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Division of Administration, Colorado Department of Health, Water Quality Control Commission
- D. AUTHORITY: C.R.S. 1973, § 25-8-501 through 503

No person shall discharge any pollutant into any state water from a point source without first having obtained a permit for such discharge.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-2, § 6.1. These regulations are designed to be in conformity with the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, and regulations promulgated thereunder.

A permit will be required for the following activities (though not necessarily limited to these): retention pond if there will be discharges; solid waste disposal site if water is to be pumped out of it; mill tailings ponds if not zero discharge; mine drainage if the mine is active; and drainage from waste or storage piles.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: [Each application for a permit under the Federal Acts cited above shall be deemed to be a permit application under the State program.] Applications may be obtained from the Division. The Division may require submission of plans and specifications of any system which is the source of the waste discharge.

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: 90-180 days (minimum estimate)
- 3. Hearing Requirements/Notice: The applicant or any affected person or entity may request a public non-adjudicatory hearing with respect to the permit. Any such request must be filed within 30 days of the date of the public notice circulated pursuant to § 6.1.6.B of the regulations.

I. NATURE OF APPROVAL:

2. Duration of Permit: Duration of permit shall not exceed 5 years.
3. Conditions: Conditions of the permit are set forth in § 6.1.5.B.(1) through (18) and § 25-8-304.
4. Reviews/Monitoring: Any discharge authorized by a discharge permit may be subject to such monitoring requirements as may be reasonably required by the Division, including the installation, use and maintenance of monitoring equipment or methods. § 6.1.5. E describes the monitoring more fully.
5. Renewal Procedures: The applicant must apply for renewal at least 180 days prior to its expiration. Renewal applications will be treated like the original application (§ 6.1.5.C.).

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: SPCC and permit to construct subsurface disposal system

- A. NAME OF PERMIT: Permit to Construct a Subsurface Disposal System
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Water Quality Control Commission,
Division of Administration of the State Health Department
- D. AUTHORITY: C.R.S. 1973, § 25-8-505

It is unlawful for any person to discharge, deposit, generate or dispose of any radioactive, toxic, or other hazardous waste underground in liquid, solid or explosive form, unless the Commission determines that there will be no pollution resulting therefrom or that the pollution, if any, will be limited to waters in a specified limited area from which there is no risk of significant migration and that the proposed activity is justified by public needs. The Commission is interpreting "hazardous waste" to include any possible pollutant.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-4 controls the construction and/or operation of a subsurface disposal system.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall contain such information as is listed in 5 C.C.R. 1002-4. The commission will accept for preliminary review applications setting forth in general terms the information specified in § 7.2.4 in order to determine the general feasibility of the proposed system.
- H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: There shall be a public hearing upon at least 20 days notice. The applicant shall cause notice of every public hearing to be given by personal service to each surface and mineral owner of record within a 2 mile radius of the subject system, or it may give notice in a newspaper of the City and County of Denver and of the county in which the land affected by the system is located. In addition to notice of the hearing, notice of the application must also be given to the same persons.

- I. NATURE OF APPROVAL:

3. Conditions: § 7.2.3 (5) sets forth in detail the conditions of the permit.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Permit to operate subsurface disposal system

02030

- A. NAME OF PERMIT: State Certification of Dredge-and-Fill Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Water Quality Control Division
- D. AUTHORITY: § 401 of the Clean Water Act
- E. APPLICABLE REGULATIONS/STANDARDS:

The Water Quality Control Division has issued a set of guidelines entitled "General Conditions" for use in approving state certification. These include provisions for requiring measures to minimize or alleviate erosion, pollution and land reclamation problems.

A form entitled "Water Quality Certification Project Information" is submitted by an applicant to the WQCD, for purposes of issuance of the permit certification.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Dredge-and-fill permit issued by U.S. Army Corps of Engineers

- A. NAME OF PERMIT: Site Approval of Sewage Collection Facility
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.0
- C. AGENCY: Colorado Water Quality Control Commission, Division of Administration, Department of Health
- D. AUTHORITY: C.R.S. 1973 § 25-8-704

No person shall commence the construction or expansion of any sewage collection facilities intended to serve more than 20 persons with a design capacity to receive more than 2,000 gallons per day unless the site location and construction has been approved and the design therefore reviewed by the commission.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-12.
- F. PRECEDENT PERMITS: NPDES Permit (See 02021)
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application can be obtained from the Water Quality Control Division, 4210 East 11th Avenue, Denver, Colorado 80220, or from the District Engineer. If the proposed facility will be on or adjacent to any land owned or managed by a state or federal agency, a copy of the application shall be sent to such agency.

It shall be the responsibility of the applicant to submit the application form to the connecting entity, the treating entity, and to the applicable governmental authority (either the City, County or Mayor or County Commissioners as listed in § 2.2.4(3) of 5 C.C.R. 1002-12) for comment and signature.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The Commission consideration of the proposed facilities shall be held at the next Commission meeting following a period which is not less than 30 days but not more than 90 days from receipt date. The 30 day limitation may be waived under § 2.2.5(9).

3. Hearing Requirements/Notice: Prior to submitting the application to the District Engineer, all applicants shall send copies of the form showing the date of mailing to the local health authority and the regional Council of Governments and others pursuant to § 2.2.5(6). Applicant must post a sign on the subject property pursuant to § 2.2.5(10).

I. NATURE OF APPROVAL:

2. Duration of Permit: One year.

02041

A. NAME OF PERMIT: Site Approval of Sewage Treatment Facility

B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0

C. AGENCY: Colorado Water Quality Control Commission,
Division of Administration, Department of Health

D. AUTHORITY: C.R.S. 1973, § 25-8-704

No person shall commence the construction or expansion of any sewage treatment works intended to serve more than 20 persons unless the site location and construction has been approved by the Commission and a permit for discharge issued.

E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-12

F. PRECEDENT PERMITS: NPDES Permit (See 02021)

G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application can be obtained from the Water Quality Control Division, 4210 East 11th Avenue, Denver, Colorado 80220, and must be submitted to the appropriate local governments, planning agencies, and state agencies, as listed in § 2.2.4(3) of 5CCR 1002-12.

If the proposed facility will be on or adjacent to any land owned or managed by a state or federal agency, a copy of this application shall be sent to such agency.

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: Applications must be submitted in sufficient time for the District Engineer to schedule a site visit if needed and to conduct the necessary review prior to forwarding to the Division. The commission will consider all completed applications received from the Division at least 15 days before its next regular meeting.

3. Hearing Requirements/Notice: The applicant must post a sign on the subject property pursuant to § 2.2.5(6).

I. NATURE OF APPROVAL:

2. Duration of Permit: One year.
5. Renewal Procedures: Applicant may request a time extension.

02043

- A. NAME OF PERMIT: Colorado River Salinity Standards
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Water Quality Control Division
- D. AUTHORITY: C.R.S. 1973, § 25-8-501 through 503
- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-11

The requirements are enforced through the Colorado NPDES program. All Colorado counties analyzed are within the Colorado River Basin. (See 02021)

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: NPDES.
- K. OTHER: A report of the seven-member Colorado River Basin forum on Colorado River salinity is contained at 5 C.C.R. 1002-10.

- A. NAME OF PERMIT: Approval of Location and Construction of Water Works
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.10.0
- C. AGENCY: Colorado State Board of Health
- D. AUTHORITY: C.R.S. 1973, § 25-1-107(1)(r). The State of Colorado has the authority to enforce the Federal Safe Drinking Water Act, including the power to approve plans and specifications for new water works and to implement siting requirements. However, these regulations do not apply to systems which: (1) consist only of distribution and storage facilities, with no collection or treatment facilities; (2) obtain all water from, but is not owned by, a public water system; (3) do not sell water to any person; and (4) are not carriers of passengers in interstate commerce.
- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1003-1, §§ 14 and 15.
- F. PRECEDENT PERMITS: Certification of one hundred year flood plan
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The applicant shall submit a complete set of plans and specifications for the subject project to the Colorado Department of Health. Before a person may enter into a financial commitment for or initiate construction of new water works or increase the capacity of an existing public water works, he must notify the Department and avoid locating the facility at a site which: (1) is subject to a significant risk from natural disasters; or (2) except for intake structures, is within the flood plain of a 100-year flood.
- H. PROCESSING REQUIREMENTS:
2. Staff Review time: 45 day estimate
 3. Hearing Requirements/Notice: If approval is denied, a hearing may be requested in writing by the aggrieved party pursuant to § 15.1.7.
- I. NATURE OF APPROVAL:
1. Form of Approval: Approval of the plans will be issued in writing.

2. Duration of Permit: One year.
5. Renewal Procedures: An expired approval may be reinstated by submittal of the former plans for review.

- A. NAME OF PERMIT: Certification of Operator of Water Treatment Facility
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Health
- D. AUTHORITY: C.R.S. 1973, §§ 25-9-101 et seq.

These sections require that operators of water treatment facilities be examined and certified to assure the adequate operation of such facilities. The regulations describe four classifications of operators.

- E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1003-2
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: An operator desiring to be certified shall file application with the Board of Certification 60 days prior to the date of examination on a form provided by the Board.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 60 days
 - 3. Hearing Requirements/Notice: The Board shall prepare and administer written examinations to be used in determining knowledge, ability and judgment of applicants. These examinations will be held at least annually.
 - 4. Fee Schedule/Bond: \$15.00
 - 5. Appeals: Applicants who fail to pass an examination may repeat the examination at subsequent regularly scheduled examinations.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Certificate issued by the Board, designating the competency of applicant.
 - 2. Duration of Permit: 5 years.
 - 3. Conditions: § 100.7 outlines conditions under which a certificate may be revoked.

5. Renewal Procedures: Certificates of operators in good standing may be renewed every 5 years upon written application, without examination. Operators must apply 60 days prior to expiration date of certificate.

02056

- A. NAME OF PERMIT: Certification of Operator of Wastewater Treatment Facility
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Health
- D. AUTHORITY: C.R.S. 1973, §§ 25-9-101 et seq.

The authority and application process for this certification is the same as that given for operators of water treatment facilities. (See 02055)

- A. NAME OF PERMIT: Certificate of Designation to Operate a Solid Waste Disposal Site and Facility
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.0
- C. AGENCY: Board of County Commissioners
- D. AUTHORITY: C.R.S. 1973 §§ 30-20-102, et seq.

It is unlawful to operate a solid waste disposal site and facility in the unincorporated portion of any county without first obtaining a certificate of designation. Section 30-20-106 exempts dumping on one's own property so long as no nuisance is created.

- E. APPLICABLE REGULATIONS/STANDARDS: 6 C.C.R. 1007-2
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall set forth the location and type of facility, the type of processing, hours of operation, method of supervision, rate to be charged and any other information required by the Board. Further, it shall include an operational plan as described in 6 C.C.R. 1007-2, § 6.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Application will be reviewed in light of criteria established by the State Board of Health, Water Quality Control Commission and the Air Pollution Control Commission. Thirty-day minimum estimate.
 - 4. Fee Schedule/Bond: Application shall be accompanied by a non-refundable fee of \$25.00.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Certificate of Designation
 - 3. Reviews/Monitoring: Minimum standards of operation are set forth in § 3, 6 C.C.R. 1007-2.

- A. NAME OF PERMIT: Compliance with Standards for Individual Sewage Disposal Systems
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Health, State Board of Health
- D. AUTHORITY: Individual Sewage Disposal Systems Act, C.R.S. 1973, §§ 25-10-101, et seq.

Section 25-10-105(1) states that the state board shall adopt guidelines for rules and regulations providing minimum standards for the location, construction, performance, installation, alteration, and use of individual sewage disposal systems. Such guidelines must comply with minimum standards, as set forth in § 25-10-105, and shall be the basis for the adoption of detailed rules and regulations by local boards of health.

Paragraph (2) states that every local Board of Health shall develop and adopt rules and regulations for individual sewage disposal systems within its respective area of jurisdiction. If a local Board of Health has not adopted rules and regulations by October 8, 1973, the state board shall then promulgate rules and regulations for such areas of the state for which no complying rules and regulations have been adopted. The rules and regulations may be adopted by a local Board of Health after such action by the state board.

- A. NAME OF PERMIT: Approval of Modification of Streams
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Wildlife Commission
- D. AUTHORITY: C.R.S. 1973, §§ 33-5-102 et seq.

No agency of the state shall change the natural existing shape and form of any stream or its banks or tributaries by any type of construction without notifying the commission, except in the case of irrigation projects. Conversations with the Wildlife Commission regarding the question of whether state agency approval (by permit or otherwise) of private activities would require such notification were inconclusive. It is likely that any agency giving approval to a private concern for a project modifying a stream should contact the Wildlife Commission.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Notice to the commission shall be on forms furnished by the commission and shall include detailed plans and specifications of so much of the project as may affect any stream.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Notice must be submitted not less than 90 days prior to commencement of construction. If upon review of said plans the commission determines that they are technically inadequate to protect the state's fish and wildlife resources, the commission may render aid in preparing adequate plans. Within 30 days after receipt of plans, the commission shall notify applicant if the project will adversely affect the stream involved.
- I. NATURE OF APPROVAL:
 - 3. Conditions: If the commission notifies an applicant that the construction will adversely affect the stream involved, the applicant has 15 days after receipt of the commission's recommendations and alternatives to notify the commission if it refuses to modify its plans. Thereafter, the commission may notify the governor that it desires to have the matter arbitrated. The governor will issue a written decision within 30 days which shall be binding.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Dredge-and-Fill Permit

K. FUTURE REQUIREMENTS: An amendment likely will be proposed which will enlarge the coverage to include actions by private concerns as well.

02104

- A. NAME OF PERMIT: Designation of Historical Sites
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado State Historical Society
- D. AUTHORITY: National Historic Preservation Act of 1966, 16 U.S.C. §§ 470 et seq.

(See 01104)

- A. NAME OF PERMIT: Limited Impact Mining Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Mined Land Reclamation Board, State of Colorado
- D. AUTHORITY: C.R.S. 1973, §§ 34-32-110 and 112

Application for a limited impact permit will be required for any mining operation affecting less than ten acres for the life of the mine and extracting less than 70,000 tons of mineral, overburden, or combination thereof per calendar year.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 407-1, Rule 3. The definition of "mining operations" is broad enough to include in situ mining.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application shall contain general data on the operator and land, and maps, reclamation plans, mining plan and wildlife, water, vegetation and soil information, more fully described in § 3.11.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Two copies of the application to the Division, one copy to the affected county.
 - 2. Staff Review Time: The Board shall give written notice of the date, time and place set for consideration of the application, which shall be not more than 30 days after filing.
 - 3. Hearing Requirements/Notice: Within 10 days after filing of the application the operator must publish a notice containing the data listed under § 3.22(2). The Board may hold a hearing.
 - 4. Fee Schedule/Bond: \$25.00 plus \$10.00 per acre of affected land.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: The permit will continue in effect as long as the operation continues to engage in the extraction of minerals and complies with the

provisions of the article, mineral reserves remain, or the Board does not take action to declare termination of the life of the mine.

5. Renewal Procedures: The operator shall file on the anniversary date of the permit a notice of intent to continue mining operations, which shall include a \$50 fee and a map or statement of affaced area.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: The operator must file with the Board a notice of temporary or permanent cessation of operation, unless operation is to resume within one year.
- K. ADDITIONAL INFORMATION: The applicant shall be deemed to be "notified" on the date of the letter from the Division stating that the application is procedurally complete unless applicant requests a later date, within 15 days of the date of letter. The date of the letter constitutes the filing date. (See § 1.1. (10).)

- A. NAME OF PERMIT: Regular Open Mining Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.0
- C. AGENCY: Mined Land Reclamation Section of the Department of Natural Resources, State of Colorado.
- D. AUTHORITY: C.R.S. 1973, §§ 34-32-101 et seq. (§ 112)

Section 103(9) defines "open mining" as the mining of minerals by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. Section 103(8) defines "mining operations" as the development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operation and the disposal of refuse from underground and in situ mining. The term includes the following operations on affected lands: milling; evaporation; and other processing.

A permit is required for any mining operation affecting 10 acres or more, or extracting 70,000 tons or more of mineral, overburden, or combination thereof per calendar year.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 407-1, Rule 2. The definition of "mining operations" includes in situ mining.
- F. PRECEDENT PERMITS: EIS
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application includes general data on the applicant and mine, accompanied by a legal description, mining plan and map, reclamation plan and map, information on water, wildlife, vegetation, soils, climate, and reclamation costs. (See § 2.1.)
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Four copies to the Division and one to the appropriate county.
 - 2. Staff Review Time: The Board shall give written notice of the date, time and place for consideration of the application, which shall be not more than 90 days after filing.

3. Hearing Requirements/Notice: Within 10 days after filing of application the operator must publish a notice in a local newspaper containing the data listed under § 2.22(2). The Mined Land Reclamation Board may hold a hearing.
4. Fee Schedule/Bond: \$50 basic fee plus additional fee based on acreage, total not to exceed \$2,000.

I. NATURE OF APPROVAL:

2. Duration of Permit: The permit will continue in effect as long as the operation continues to engage in the extraction of minerals and complies with the provisions of the article, mineral reserves remain, or the Board does not take action to declare termination of the life of the mine.
5. Renewal Procedures: On the anniversary date of each permit year, the operator shall submit a report and map indicating the phases of the reclamation plan which have been completed, and containing information detailed in § 2.41.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: The operator must file with the Board a notice of temporary or permanent cessation of operation, unless operation is to resume within one year.

K. ADDITIONAL INFORMATION: The applicant shall be deemed "notified" on the date of the letter from the Division stating that the application is procedurally complete unless applicant requests a later date, within 15 days of the date of letter. The date of the letter constitutes the filing date. (See § 1.1 (10).)

- A. NAME OF PERMIT: Notice of Intent to Conduct Prospecting Operations
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Mined Land Reclamation Board, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 34-32-113

Any person desiring to conduct prospecting shall, prior to entry upon the lands, file with the Mined Land Reclamation Board a notice of intent.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 407-1, Rule 5

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall include general data on the prospector, a description of the land, the type of operation, anticipated reclamation measures, and the date of commencement. (See § 5.11.)

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: None if applicant is bonded and application complete
- 4. Fee Schedule/Bond: A bond of not more than \$2,000 per acre of land to be disturbed shall be posted.

- I. NATURE OF APPROVAL:

- 4. Reviews/Monitoring: The Board shall notify the prospector, within 90 days after filing of the Notice of Completion, of reclamation measures necessary. Within 30 days after completion of reclamation the Board shall inspect the lands, and if reclamation is satisfactory, the bond will be released.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Notice of Completion of Prospecting (02257)

02257

- A. NAME OF PERMIT: Notice of Completion of Prospecting
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Mined Land Reclamation Board, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 34-32-113 (See 02255)
- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 407-1,
Rule 5, § 5.34
- F. PRECEDENT PERMITS: Notice of intent to explore

02260

- A. NAME OF PERMIT: Notice of Mineral Location and Permit to Explore on State Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.6
- C. AGENCY: Colorado State Board of Land Commissioners
- D. AUTHORITY: C.R.S. 1973, § 36-1-140

The discoverer of a body of minerals upon unleased mineral lands belonging to the State must immediately post a notice declaring the discovery and within 10 days notify the Board of Land Commissioners and arrange for a permit to explore.

- F. PRECEDENT PERMITS: Lease or written permission to be on the land.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: None if bond is posted and information complete.
 - 4. Fee Schedule/Bond: \$5,000
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Within 60 days of discovery, the locator shall be required to take a lease upon such terms as may be agreed upon by the State Board of Land Commissioners.
 - 5. Renewal Procedures: The applicant may apply for extension of the permit.

02274

- A. NAME OF PERMIT: Notice of Intent to Excavate or Trench
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Industrial Commission, Division of Labor,
Colorado Department of Labor and Industry
- D. AUTHORITY: C.R.S. 1973, § 8-1-107

The Industrial Commission is empowered to set standards for safety and regulations in connection therewith for the protection of the life, health, safety and welfare of employees in places of employment.

- E. APPLICABLE REGULATIONS/STANDARDS: 7 C.C.R. 1101-8
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The excavator of all excavations or trenches five feet or more in depth shall file the Notice prior to beginning work; provided, however, that only one notice is required for each separate project.

- A. NAME OF PERMIT: Notice of Borehole Penetrating Coal Seam
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Oil and Gas Conservation Commission
- D. AUTHORITY: C.R.S. 1973, § 34-61-101

Section 34-61-101 makes it the duty of the owner of any borehole which penetrates any workable coal seam or coal mine excavation to notify the Oil and Gas Conservation Commission. Contacts with the Oil and Gas Conservation Committee indicated that this notice is required only when an oil or gas well penetrates a coal seam. Discussions with the Colorado Bureau of Mines indicated that the intent of the legislation, in the view of the Bureau, is to require notice if any penetration (including a shaft) impacts a coal seam and there is a potential for an amendment to the statute that would require such notice for crossing recoverable deposits of any type, including metal-bearing ores.

- E. APPLICABLE REGULATIONS/STANDARDS: There are no controlling regulations at this time, nor is there an official form for the notice.
- F. PRECEDENT PERMITS: Exploration permit
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The owner must designate the particular five-acre subdivision of the land section on which such borehole is situated, and the depth and thickness of every workable seam or excavation penetrated.

02280

- A. NAME OF PERMIT: Annual Report of Operator of Mine
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Commissioner of Mines, Colorado Bureau of Mines
- D. AUTHORITY: C.R.S. 1973, § 34-47-123.

Any employer, owner, or person in charge of any mill, excavation, mine or quarry shall report annually in writing.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 403-1 (§ 113)
- F. PRECEDENT PERMITS: Mining permit
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The report shall contain data concerning the mining operation as detailed in 2 C.C.R. 403-1 (§ 113).
- K. ADDITIONAL INFORMATION: The report shall be submitted by March 1 of each year and shall report on the previous calendar year.

02281

- A. NAME OF PERMIT: Notice of Activity
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Bureau of Mines
- D. AUTHORITY: C.R.S. 1973, § 34-47-123

This Section specifies that operators of mines shall report to the Bureau of Mines when work commences at any mill, excavation, mine or quarry, and also shall report whenever work on any such premise is temporarily or indefinitely closed down.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 403-1, § 112.

- A. NAME OF PERMIT: Hoistman Certificate
- B. APPLICABILITY/DESCRIPTION: 3.1.0.0.0.0.10.0
- C. AGENCY: Commissioner of Mines, Colorado, Bureau of Mines
- D. AUTHORITY: C.R.S. 1973, § 34-47-107

At all shafts or workings where men are hoisted or lowered with manually controlled hoisting equipment, the hoistman must meet the standards set forth in 2 C.C.R. 403-1, § 87.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 403-1, § 87
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Every hoistman must be examined by a responsible doctor and must secure a certificate of health.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: One year
 - 4. Reviews/Monitoring: All hoistmen shall have a physical examination at least once every year.

02303

A. NAME OF PERMIT: Approval of Liquified Petroleum Gas Storage Containers

B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0

C. AGENCY: Colorado State Inspector of Oils

D. AUTHORITY: C.R.S. 1973, § 80-20-406

Plans for all installations utilizing liquified petroleum gas storage containers if over 2,000 gallons water capacity shall be submitted for approval before construction thereof begins.

E. APPLICABLE REGULATIONS/STANDARDS: 5 C.C.R. 1002-13 and the National Fire Code

G. APPLICATION AND PREREQUISITE REQUIREMENTS: Inspection prerequisite

H. PROCESSING REQUIREMENTS:

2. Staff Review Time: One week estimate

02310

- A. NAME OF PERMIT: Permit for Handling Explosives
- B. APPLICABILITY/DESCRIPTION: 4.0.4.4.7.1,2,3,5.10.0
- C. AGENCY: Division of Labor, Department of Labor and Employment
- D. AUTHORITY: C.R.S. 1973, § 9-7-106

It is illegal to manufacture, sell, store, transport, or use explosives without first obtaining a permit.

- E. APPLICABLE REGULATIONS/STANDARDS: 7 C.C.R. 1101-9
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule Bond: \$10.00 fee must accompany applications.
- I. NATURE OF APPROVAL:

- 5. Renewal Procedures: Permits may be renewed on each anniversary date of issue upon the payment of \$10.00.

02315

- A. NAME OF PERMIT: Notice of Construction of Explosives Magazine
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Bureau of Mines
- D. AUTHORITY: C.R.S. 1973, § 34-47-103, 104

To reduce the possibility of required changes, persons contemplating the construction of an explosive storage magazine should submit plans and specifications before construction is started.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 403-1, § 59(37).

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: One week estimate, plus inspection.

I. NATURE OF APPROVAL:

- 3. Conditions: All explosives in excess of the amount required for a shift's work must be kept in said magazine. No powder or other explosives shall be stored in underground workings where men are employed without written consent. Caps, oils or other combustible substances shall not be kept or stored in the same magazine with other explosives.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Explosives manufacturing permit

02325

- A. NAME OF PERMIT: Permit for Operation of Diesel-Powered Equipment Underground
- B. APPLICABILITY/DESCRIPTION: 3.1.0.0.0.0.10.0
- C. AGENCY: Colorado Bureau of Mines
- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 403-1 (43). A permit must be secured for the operation of diesel-powered equipment underground before the equipment is taken underground.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A ten-day verbal temporary permit may be granted by the District Metal Mining Inspector during the time a formal application is pending.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 15 day minimum estimate
- I. NATURE OF APPROVAL:
 - 3. Conditions: Mine areas in which diesel engines are operating will be tested for toxic atmosphere at frequent intervals by the Bureau of Mines. Permits are not transferable. At no time will more horsepower be allowed underground than is stated on the permit. Violation of any of the rules in § 43 will be cause for permit cancellation.

- A. NAME OF PERMIT: Permit to Conduct a Designated Activity of State Interest or to Engage in Development in a Designated Area of State Interest (H.B. 1041)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11,13,14,15.0
- C. AGENCY: Board of County Commissioners or its Designee
- D. AUTHORITY: C.R.S. 1973, §§ 24-65.1-101 through 502 (H.B. 1041)

Colorado's House Bill 1041 commonly known as "HB 1041." Colorado's House Bill 1041 establishes a complex system for local (county and municipal) regulation of matters of state interest. Such matters include areas of state interest and activities of state interest. Matters of state interest must be so designated by the local government, which then adopts regulations affecting the designated matters. No "development" (broadly defined) may occur in a designated area and no designated activity may be commenced or enlarged without a permit issued by the local government. Such a permit merely evidences compliance with applicable regulations and does not supplant or supercede any other local permits (e.g., zoning) which may be required. Few if any matters have presently been designated in the subject Colorado counties. As a practical matter, designation proceedings (if there are to be any) may be expected to commence at the time a specific development is proposed or anticipated. Regulations will follow. Accordingly, particular requirements for the House Bill 1041 Permit herein described have not yet been written (although the Colorado LUC Model Regulations may be consulted for some indication of what any county regulations might look like). What follows is a description of the process whereby this permit may become a requirement.

Areas of State Interest: areas around such key facilities as airports, major public utility facilities (e.g., transmission lines and substations, pipelines, power plants), arterial highway interchanges, and mass or rapid transit facilities; areas containing or having significant impact on historic, natural, or archaeological resources of statewide importance, including shorelands of major publicly-owned reservoirs, wildlife habitats, and historical or archaeological areas; areas subject to

natural hazards such as wildfire, flood, or geologic hazards; and mineral resource areas (protected for the purposes of not losing the potential of mineral development).

Activities of State Interest: nuclear detonations; municipal and industrial water projects; new communities; major public utility facilities; arterial and collector highways and their interchanges; mass or rapid transit facilities; airports; solid waste disposal sites; and water and sewage treatment system sites.

It is readily apparent that many components of major oil shale development are potentially activities of state interest or may on their own account constitute, or by pure chance be located within, an area of state interest.

The designation process may be initiated either by the local government or upon request of the Colorado Land Use Commission ("LUC"). A public hearing, preceded by 30-60 days published notice, is required, after which the local government has 30 days in which it must determine whether or not to designate the matter. If it decides to designate, a moratorium on all development within the area or of the type designated must be imposed. (If the designation proceedings were requested by the LUC, this moratorium is effective from the date of the LUC's request). Removal of the moratorium must await final determination of designation and adoption of regulations for administering the designated area or activity. This can take some time, since the LUC must review the designation and regulations and either approve them or request modification within 30 days after receiving them from the locality. If modifications are requested, the locality has 30 days in which to accept or reject the modifications. If it rejects them, the LUC may seek judicial review.

Upon final adoption of the designation and regulations, the moratorium terminates and the development permit system hereinafter described goes into effect. The locality may, if it chooses, conduct one hearing covering the entire designation, regulation adoption, and permit approval process, but sequential procedures may prove more common. Actual experience under, and judicial interpretation of, House Bill 1041 is still very limited.

House Bill 1041 provides for several exemptions from its coverage, including one for developments or activities upon land which has been zoned for the use contemplated by such development or activity since May 17, 1974. Since this exemption, if literally interpreted, could eviscerate House Bill 1041, the LUC's Model Regulations limit it to land originally zoned or rezoned in response to an application specifically contemplating that development or activity. Whether this limitation will pass judicial muster is unknown.

- E. APPLICABLE REGULATIONS/STANDARDS: Colorado Land Use Commission, HB 1041 Model Land Use Regulations, September 1976 (uncodified) (suggestive model only, local government adopts its own); county HB 1041 designation and other resolutions; county guidelines or regulations for designated areas or activities.
- F. PRECEDENT PERMITS: None required by statute. Check county guidelines or consult permit agency.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: As detailed in "B" above, this permit is not required unless and until the area proposed for development or the type of activity proposed has been designated as a matter of state interest. If the permit is required, application must be made on a form prescribed by the Colorado Land Use Commission.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: One application form. Consult permit agency for number of copies required.
 - 2. Staff Review Time: See next item.
 - 3. Hearing Requirements/Notice: Not later than 30 days after receipt of the application, the permit agency must publish notice of a public hearing thereon. The notice must be published once in a general circulation newspaper, not less than 30 nor more than 60 days before the hearing date, and shall be given to the Colorado Land Use Commission, which in turn may give it to other parties not later than 14 days before the hearing. In short, maximum 90 days from application to hearing.

4. Fee Schedule/Bond: A "reasonable fee" determined by the county sufficient to cover the cost of processing the application, including the cost of holding the necessary hearings, shall be paid at the time of application. Consult permit agency regarding any bonding requirements.
5. Appeals: Denial of approval may be appealed to District Court Approval may be reviewed and challenged by Colorado LUC.

I. NATURE OF APPROVAL:

1. Form of Approval: Written permit on form chosen by county.
2. Duration of Permit: As specified therein. May be limited or indefinite under Colorado LUC Model Regulations, but durational issue is not addressed in the controlling statute.
3. Conditions: Issue not addressed either in Colorado LUC Model Regulations or statute. Permit is to issue if and only if the proposal complies with the county's regulations governing the designated area or activity.
4. Reviews/Monitoring: Denial of approval may be appealed to District Court. Approval may be reviewed and challenged by Colorado LUC. Consult permit agency for any monitoring requirements.
5. Renewal Procedures: Consult permit agency.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Zoning, subdivision, and building permits, as appropriate.

02401

- A. NAME OF PERMIT: Right-of-Way Across State Lands for Various Utilities
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.2,3,5,6,9.10.6
- C. AGENCY: Colorado State Board of Land Commissioners
- D. AUTHORITY: C.R.S. 1973, § 36-1-136

Section 36-1-136 states that the State Board of Land Commissioners may grant rights-of-way across or upon any portion of state land for any ditch, reservoir, railroad, communication system, electric power line, pipeline, or other installation necessary for the operation of such services or utilities and may grant rights-of-way on tracts of state land to any public agency or instrumentality of the United States, or to this state, or to any of the institutions, agencies, counties, municipalities, districts, or other political subdivisions of this state for the purpose of building schoolhouses or public roads or highways or for the public use or purpose.

- A. NAME OF PERMIT: Easements Across State Property
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.6
- C. AGENCY: All state institutions, departments, and other agencies, with the State Buildings Division, Office of State Planning and Budgeting
- D. AUTHORITY: C.R.S. 1973, §§ 24-82-201 et seq.

C.R.S. 1973, § 24-82-201 states that all state institutions, departments, and other state agencies, have the power to give and grant easements or rights-of-way across the land owned by or under the control of the state or its institutions, departments, or agencies for construction and maintenance of public utilities, or of public streets and highways, or of public services, including but not limited to sanitary sewer lines, water lines, gas lines, telephone lines, electric power lines or other services.
- E. APPLICABLE REGULATIONS/STANDARDS: 8 C.C.R. 1401-1
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Each application for an easement must be accompanied by a plat and the legal description. The regulations discuss in specific detail requirements for various kinds of easements. Also included are sample forms.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: The application must be filed in duplicate with 7 copies of the plat and 2 copies of the legal description.
 - 2. Staff Review Time: Minimum of 30 days after receipt of the application and plat.
 - 4. Fee Schedule/Bond: The amount of consideration due for the area of an easement is determined on the basis of the estimated market value of the land and the designated percentage for the easement as shown in Exhibit E, but in no event shall it be less than \$250 for each ten year term.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Ten year term.

3. Conditions: Section 24-82-202 states that any easement or right-of-way given or granted under this Part 2 shall be only upon the approval of the chief executive officer and the commission or board, if any, of the institution, department, or agency across the premises of which such easement or right-of-way shall cross, the state purchasing agent, the director of public works, the governor, and the attorney general as to the legal form of the easement or right-of-way.

5. Renewal Procedures: A statement of renewal will be required from the grantee at the end of each ten-year period on all easements granted in the future.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS:

02420

- A. NAME OF PERMIT: Lease of State Lands for Mineral Development
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.6
- C. AGENCY: Colorado State Board of Land Commissioners
- D. AUTHORITY: C.R.S. 1973, § 36-1-113

Section 36-1-113 of the Colorado Revised Statutes, 1973, as amended, states that the State Board of Land Commissioners may lease any portion of the land of the state at a rental to be determined by it. If geothermal resources or stone, coal, oil, gas, or other minerals not mentioned in this section are found upon the state land, such land may be leased for the purpose of obtaining therefrom the geothermal resource or stone, coal, oil, gas or other minerals, for such length of time and conditioned upon payment to the Board of such royalty upon the product as the Board may determine. All geothermal leases issued by the Board may be awarded as the result of negotiation or competitive bidding, but no such lease shall be executed until after at least 30 days' public notice that the award of the lease is contemplated.

02432

- A. NAME OF PERMIT: Permit to Dispose of Timber on State Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.6
- C. AGENCY: Colorado State Board of Land Commissioners
- D. AUTHORITY: C.R.S. 1973, § 36-7-103

Section 36-7-103 states that the State Board of Land Commissioners is authorized to: sell and otherwise dispose of timber on state lands; secure the maximum possible amount therefrom; issue permits of authority for timber cutting; and require cash deposits in advance to apply on such timber cutting permits.

02433

- A. NAME OF PERMIT: Permit to Cut Timber
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.6
- C. AGENCY: Colorado State Board of Land Commissioners.
- D. AUTHORITY: C.R.S. 1973, §§ 36-7-103 and 201(4)

The Board is authorized to issue permits for authority to cut timber on state lands to clear rights-of-way.

H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: If the appraised value of the timber in any sale exceeds \$1,000, competitive bids shall be received by the Board, after a call for such bids has been published locally over a 30 day period.
- 4. Fee Schedule/Bond: Applicant must make a cash deposit in advance.

- A. NAME OF PERMIT: Permit to Lease State Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.6
- C. AGENCY: Colorado State Board of Land Commissioners
- D. AUTHORITY: C.R.S. 1973, §§ 36-1-113, 118 through 120, and 36-7-201(4)

Section 36-7-201 (4) gives the Board of Land Commissioners the power to, among others, administer the state forest lands and, lease the same for grazing, agriculture, mineral and other purposes to secure the maximum rental and revenue therefrom. The Board shall prescribe and issue rules and regulations for the administration and leasing of such lands and for the preservation, conservation, cutting, and sale of timber thereon, and for the improvement of such lands, the building of trails, roads, and otherwise and for the expense thereof.

The State Board of Land Commissioners may lease any portion of the land of the state, including state forest and other state land, in such manner and to such persons as will produce an optimum long-term revenue. If minerals are found on state lands, those lands may be leased for the purpose of obtaining therefrom such minerals, conditioned upon the payment of royalties to the Board.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Leases are conditioned upon payment of rent in advance. Applications shall be made in writing to the Board, stipulating the rental the applicant is willing to pay and other information as set forth in § 36-1-118(3)(c). If the subject lands include improvements belonging to another party, applicant must file a receipt showing that the improvements have been paid for.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: Before land is leased to anyone other than the present lessee, said present lessee shall be given 10 days' notice and an opportunity to negotiate a new lease.
 - 4. Fee Schedule/Bond: The applicant must deposit with his application a sum of money equal to the first annual rental offered.

I. NATURE OF APPROVAL:

2. Duration of Permit: Lands within city boundaries may be leased for no more than fifty years.
3. Conditions: The Board may offer the land for sale at any time during the term of the lease. The Board may cancel any lease if it finds the lessee has violated any provision of the lease.

02601

- A. NAME OF PERMIT: Permit for Possession of Radioactive Materials
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Health
- D. AUTHORITY: C.R.S. 1973, § 25-11-107

Section 25-11-107 specifies that no person shall acquire, own, possess or use any radioactive material without a license.

- E. APPLICABLE REGULATIONS/STANDARDS: 6 C.C.R. 1007-1, Part III

02720

- A. NAME OF PERMIT: Lease of Water Rights
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Department of Institutions, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 37-88-105

The Department of Institutions has the authority to lease the water rights to any ditch, canal, reservoir, or feeder, following their construction pursuant to § 37-88-101.

- E. APPLICABLE/STANDARDS: Rules and regulations may be adopted by said Department setting forth the terms of such leases.

- A. NAME OF PERMIT: Application for Water Rights
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Water Clerk, State Engineer, Division Engineer,
Colorado Department of Natural Resources
- D. AUTHORITY: C.R.S. 1973, §§ 37-92-302 through 304

Any person who desires a determination of a water right or a conditional water right and the amount and priority thereof, including a determination that a conditional water right has become a water right by reason of the completion of the appropriation, a determination with respect to a change of a water right, approval of a plan for augmentation, or quadrennial finding of reasonable diligence, shall file with the water clerk a verified application setting forth facts supporting the ruling sought.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant shall file with the Water Clerk a verified application setting forth facts supporting the ruling sought. See § 37-92-302(2) for details of data to be provided.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: 4
 - 2. Staff Review Time: See § 37-92-302(3) and 303(1) for time periods; total is approximately 5 months if no statement of opposition is filed.
 - 3. Hearing Requirements/Notice: If the matter is referred to a Water Judge pursuant to § 37-92-303, a hearing will be set in accordance with the provisions of § 37-92-304.
 - 4. Fee Schedule/Bond: \$25.00 application fee.

02732

- A. NAME OF PERMIT: Permit to Construct a Well
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: State Engineer
- D. AUTHORITY: C.R.S. 1973, § 37-92-602

Section 37-92-602(3)(a) and (b) states that wells of certain production, including wells not exceeding fifteen gallons per minute of production for purposes including drinking and sanitary facilities in individual commercial business, may be constructed only upon the issuance of a permit by the state engineer. The permit must be issued if the state engineer determines that the requested permit will not materially injure the vested water rights of others or any other existing well.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: Within 60 days after filing of the application and including a written statement of the basis for the ruling.
- 4. Fee Schedule/Bond: \$25.00

- A. NAME OF PERMIT: Permit to Relocate Existing Well
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: State Engineer
- D. AUTHORITY: C.R.S. 1973, § 37-92-602

Section 37-92-602(3)(c) states that any person wishing to relocate an existing well of the type specified in paragraphs (b) to (e) of subsection (1) of this section, including wells not exceeding 15 gallons per minute of production and used for purposes including drinking and sanitary facilities in individual commercial businesses, must file an application for construction of a well and must state in such application his intent to abandon the existing well which is to be relocated.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: 60 days after filing and supported by a written statement of the basis for the ruling.
- 4. Fee Schedule/Bond: \$5.00

I. NATURE OF APPROVAL:

- 3. Conditions: If such relocated well will not change substantially the usage of water which can lawfully be made by means of the existing well, a permit to construct and use the relocated well shall be issued, and the existing well shall be abandoned within 90 days after the completion of the relocated well.

- A. NAME OF PERMIT: Permit to Construct a Well (Outside Designated Land)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: State Engineer, Department of Natural Resources, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 37-90-137

No new wells shall be constructed outside the boundaries of a designated ground water basin, nor the supply increased or extended without a permit to construct a well.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 402-2
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant shall specify the aquifer from which the water is to be diverted, the beneficial use to which it will be put, and other data on the well (see § 31-90-137(1))
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: Filing fee of \$25.00 shall accompany application.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: One year, unless applicant furnishes to state engineer evidence that water from such well has been put to beneficial use or unless the state engineer extends such permit for an additional period certain, not to exceed one year.
 - 3. Conditions: Location of well must be more than 600 feet from existing wells, except that the state engineer may issue a permit without regard to this limitation, but only after a hearing on that issue. The permit shall set forth such conditions for drilling, casing, and equipping wells as are necessary to prevent waste, pollution or material injury to existing rights.

- A. NAME OF PERMIT: Final Permit to Use Designated Ground Water
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Ground Water Commission, Department of Natural Resources
- D. AUTHORITY: C.R.S. 1973, § 37-90-108

After having received a conditional permit to appropriate designated ground water, the applicant shall build a well to apply the water to beneficial use, after which the Commission may issue a final permit.

- F. PRECEDENT PERMITS: Conditional Permit to Use Designated Ground Water.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Upon completion of the well, the applicant shall furnish the Ground Water Commission information as to the maximum sustained pumping rate in gallons per minute and evidence that the water has been put to a beneficial use.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: A permit shall be issued by the state engineer.
 - 3. Conditions: Permit shall contain such limitations and conditions as the Commission shall deem necessary to prevent waste and for the protection of other appropriators.

02737

- A. NAME OF PERMIT: Conditional Permit to Use Designated Ground Water
- B. APPLICABILITY/DESCRIPTION:
- C. AGENCY: Ground Water Commission, Department of Natural Resources, State of Colorado
- D. AUTHORITY: C.R.S. 1973, § 37-90-107

Any person desiring to appropriate ground water for a beneficial use in a designated (under § 37-90-106) ground water basin shall make Application to the Ground Water Commission.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall specify the particular designated ground water basin and give other information on the proposed well, as specified in § 37-90-107(1). A preliminary evaluation will be made; if findings are favorable, the application will be published within 30 days.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: If objections are filed, the Commission shall set a hearing and notify applicants and objectors of the time and place.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: One year from date of issuance, unless extended by the Commission for a period certain upon good cause shown.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Final Permit to use designated ground water. (See 02736)

02739

- A. NAME OF PERMIT: Diversion of Water for Use Outside State Prohibited
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- D. AUTHORITY: C.R.S. 1973, §§ 37-81-102, 37-90-136 prohibits diversion

These sections prohibit diversion, carrying or transporting of State waters, whether tributary or non-tributary, for use outside the State.

02740

- A. NAME OF PERMIT: Approval of Plans for Reservoir
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.10.0
- C. AGENCY: State Engineer
- D. AUTHORITY: C.R.S. 1973, §§ 37-87-105, 106

Plans and specifications for any reservoir of a capacity of more than 1000 acre-feet or having a dam in excess of 10 feet in vertical height, or having a surface area at high waterline in excess of 20 acres must be approved by the state engineer before beginning construction. 2 C.C.R. 402-1, "Plans for Dams," sets forth format for plans.

- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 402-1
- H. PROCESSING REQUIREMENTS:

- 2. Staff Review time: 6 week estimate

- 4. Fee Schedule/Bond: The owner of such reservoirs shall pay to the state engineer his actual expenses incurred, not to exceed \$125 per day. (See also 2 C.C.R. 402-1, "List of Filing Fees.")

- I. NATURE OF APPROVAL:

- 1. Form of Approval: No work shall be deemed complete until the state engineer furnishes to the owners of such structures a written statement of the work of construction and the full completion thereof, together with his acceptance of the same, which statement shall specify the dimensions of such dam and capacity of such reservoir.
 - 3. Conditions: The state engineer shall act as consulting engineer during the construction thereof, and shall have authority to require the materials used and the work of construction to be done to his satisfaction.

02741

- A. NAME OF PERMIT: Certification of Completion of Dam/Reservoir
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.10.0
- C. AGENCY: State Engineer
- D. AUTHORITY: C.R.S. 1973, § 37-87-105

At the satisfactory completion of construction of a dam and reservoir in accordance with specifications set down by the State Engineer, the Engineer will certify completion in writing, including acceptance of the construction. The written acceptance shall specify the dimensions of the dam and capacity of the reservoir.

02742

- A. NAME OF PERMIT: License for Well Driller/Operator
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: State Board of Examiners of Water Well and Pump Installation Contractors
- D. AUTHORITY: C.R.S. 1973, § 37-91-105

Before contracting for construction of water wells or the installation of pumps or pumping equipment, a license is required from the Board. Water well contractors must secure a registration for each well drilling rig.

02802

- A. NAME OF PERMIT: Permit to Construct a Private Driveway
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.10.0
- C. AGENCY: District Maintenance Superintendent, Department of Highways, State of Colorado
- D. AUTHORITY: To secure a permit to construct a private driveway or to revise an existing driveway connecting to a state highway the applicant should make application in writing.
- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 601-1
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The written application must include the location, what the access will be used for, width of driveway desired, and address and phone number of applicant.
- I. NATURE OF APPROVAL:
 - 3. Conditions: As listed under "General Provisions" in 2 C.C.R. 601-1, p. 4.

02810

- A. NAME OF PERMIT: Permit for Commercial Carrier
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.0
- C. AGENCY: Colorado Public Utilities Commission
- D. AUTHORITY: C.R.S. 1973, § 40-12-103

A commercial carrier by motor vehicle must obtain a permit in order to transport property over the public highways, except for motor vehicle carriers defined in §§ 40-10-101 or 40-11-101.

I. NATURE OF APPROVAL:

- 3. Conditions: The Commission may attach to such permit and to the exercise of the rights granted thereunder, such terms and conditions as are reasonable and consistent with the safety of the public.

Such a permit may be sold, assigned, leased, or encumbered only upon authorization by the Commission and upon payment of a \$10 fee.

02811

- A. NAME OF PERMIT: Notification of Shipment of Fuel Products
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10.0
- C. AGENCY: Colorado State Inspector of Oils
- D. AUTHORITY: C.R.S. 1973, § 8-20-206

Any person who ships fuel products included in Classes A and B into the State or within the State shall notify the State.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Shipper shall forward a sample of the shipment weighing at least 8 ounces to the state inspector.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Notification and sample shall be sent within 24 hours after the shipment has been billed or loaded for departure.

- A. NAME OF PERMIT: Special Permit for Movement or Operation of Vehicle of Load
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado State Department of Highways or the Colorado State Patrol or local authorities with respect to highways under their jurisdiction.
- D. AUTHORITY: C.R.S. 1973, §§ 42-4-401 et seq. and 42-8-106
- Operator of a vehicle which exceeds the maximum size or weight specified in §§ 42-4-401 to 411 must receive a permit to operate such a vehicle on state highways. No permit is required for emergency, public transportation, or farm vehicles.
- E. APPLICABLE REGULATIONS/STANDARDS: 2 C.C.R. 601-4
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Advance arrangements for permits to transport loads from another state on any routes into Colorado may be made as provided for in § VII, 2 C.C.R. 601-4.
- H. PROCESSING REQUIREMENTS:
4. Fee Schedule/Bond: \$5.00 application fee.
- I. NATURE OF APPROVAL:
3. Conditions: Permit must be carried in the vehicle to which it refers and be open to inspection.

- A. NAME OF PERMIT: Gross Ton-Mile Tax
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Revenue
- D. AUTHORITY: C.R.S. 1973, § 42-3-123

Section 42-3-123(14) states that the owner or operator of a truck, truck tractor, trailer, or semitrailer or any combination thereof operated over the public highways of the state and having an empty weight exceeding six thousand five hundred pounds shall pay a tax for each gross ton of empty weight and for each gross ton of cargo weight moved for a distance of one mile over such highways.

Section 42-1-102(33) defines "highway" as the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic or the entire width of every way declared to be a public highway by any law of the state.

H. PROCESSING REQUIREMENTS:

- 1. Fee Schedule/Bond: Eight-tenths of one mill upon each gross ton-mile of empty weight and two mills upon each gross ton-mile of cargo weight.

02820

- A. NAME OF PERMIT: Permit for Use of Special Fuel (Special Fuel User License)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado Department of Revenue
- D. AUTHORITY: C.R.S. 1973, § 39-27-102

Pursuant to § 39-27-102(3)(a), all owners or operators of motor vehicles using special fuels shall pay an excise tax of seven cents per gallon and, pursuant to § 39-27-102(4)(a) shall apply for a permit for each motor vehicle unit in which special fuel is used, unless payment of the tax is made by the method provided in § 39-27-102(7).

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application for permit shall indicate such information as the executive director deems advisable.
- H. PROCESSING REQUIREMENTS:

- 4. Fee Schedule/Bond: \$1.00

- I. NATURE OF APPROVAL:

- 2. Duration of Permit: All permits shall expire on December 31 of each year.
 - 3. Conditions: Permits cannot be transferred from one vehicle to another nor assigned to any other person.

02860

- A. NAME OF PERMIT: Airport Control (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.10.0
- C. AGENCY: Boards of County Commissioners, City Councils, and Boards of Trustees
- D. AUTHORITY: C.R.S. 1973, §§ 41-4-102 and 41-4-201

C.R.S. 1973, § 41-4-102 gives the board of county commissioners in any county in Colorado either singly or jointly with any other county, city and county, city or town the power to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports and landing fields for the use of airplanes or other aircraft.

Section 41-4-201 gives city councils and boards of trustees in towns the power to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports and landing fields for the use of airplanes and other aircraft.

- A. NAME OF PERMIT: License to Operate a Food Service Establishment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado State Department of Health
- D. AUTHORITY: C.R.S. 1973, §§ 12-44-201, et seq.

The statute states that the protection of the social welfare and health of the people of the state necessitates the control and regulation of the places wherein food is prepared and sold or served, the establishment of standards of purity for foods, and the enforcement of sanitary safeguards imposed upon food service persons.

- E. APPLICABLE REGULATIONS/STANDARDS: 6 C.C.R. 1010-2

Food service establishments must meet continuing sanitation and other requirements imposed by 6 C.C.R. 1010-2.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Any person desiring to own or operate a food service establishment, before undertaking such business, shall make application to the Department of Health, on its forms. When such an establishment is to be constructed or extensively remodeled, detailed plans and specifications shall be submitted to the Department for approval before such work is begun. (§ 12-44-206)

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The department may visit and inspect the establishment before granting the license.

- 4. Fee Schedule/Bond: The fee for such license is \$20.00.

- I. NATURE OF APPROVAL:

- 1. Form of Approval: A license shall be issued which specifies the date of issuance, the period which is covered, the name of the licensee, and the name and address of the establishment. Such license shall be conspicuously displayed at all times in the establishment.

2. Duration of Permit: License shall be granted for a period of one calendar year or portion thereof remaining at time of application. All licenses shall expire on December 31 of the year in which it is issued.
3. Conditions: It is the duty of the licensee to see that the sanitary and other rules and regulations are complied with in the licensed establishments.
5. Renewal Procedures: Application for renewal of license shall be made during the month of December of each year.

- A. NAME OF PERMIT: License to Operate a Food Service Establishment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Colorado State Department of Health
- D. AUTHORITY: C.R.S. 1973, §§ 12-44-201, et seq.

The statute states that the protection of the social welfare and health of the people of the state necessitates the control and regulation of the places wherein food is prepared and sold or served, the establishment of standards of purity for foods, and the enforcement of sanitary safeguards imposed upon food service persons.

- E. APPLICABLE REGULATIONS/STANDARDS: 6 C.C.R. 1010-2

Food service establishments must meet continuing sanitation and other requirements imposed by 6 C.C.R. 1010-2.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Any person desiring to own or operate a food service establishment, before undertaking such business, shall make application to the Department of Health, on its forms. When such an establishment is to be constructed or extensively remodeled, detailed plans and specifications shall be submitted to the Department for approval before such work is begun. (§ 12-44-206)

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The department may visit and inspect the establishment before granting the license.

- 4. Fee Schedule/Bond: The fee for such license is \$20.00.

- I. NATURE OF APPROVAL:

- 1. Form of Approval: A license shall be issued which specifies the date of issuance, the period which is covered, the name of the licensee, and the name and address of the establishment. Such license shall be conspicuously displayed at all times in the establishment.

2. Duration of Permit: License shall be granted for a period of one calendar year or portion thereof remaining at time of application. All licenses shall expire on December 31 of the year in which it is issued.
3. Conditions: It is the duty of the licensee to see that the sanitary and other rules and regulations are complied with in the licensed establishments.
5. Renewal Procedures: Application for renewal of license shall be made during the month of December of each year.

- A. NAME OF PERMIT: Certificate of Public Necessity
(Construction or Modification of Health Care Facilities)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Department of Health, Division of Medical Care
Regulation and Development
- D. AUTHORITY: C.R.S. 1973, §§ 25-3-501, et seq.

Section 25-3-503(1) requires a certificate of public necessity from the Department of Health for: (1) construction of any new hospital or health care facility for which the Department is required to issue a license under § 25-1-107(1)(1), excepting therefrom any facility whose primary purpose relates to residential care; (2) any substantial modification or lease of a hospital or health care facility as described in § 25-3-503(1)(b); or (3) utilization of any existing hospital or health care facility which is not licensed by the Department.

- E. APPLICABLE REGULATIONS/STANDARDS: Standards for such facilities are set forth at 6 C.C.R. 1011-1.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: An application should be submitted to the area-wide comprehensive health planning agency serving the area in which the proposed modification or construction is to take place. The application shall contain information on the general geographic area and population to be served, the anticipated demand, description of the work to be done, the relationship to any priorities already established in the area, financing arrangements, and cost per patient of care.
- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The area-wide comprehensive health planning agency has 30 days in which to make its recommendation to the health facilities advisory council, unless a public hearing is held on the application, in which case it has 40 days. The council has 30 days after receipt of the agency's recommendation (or 70 days after receipt of the application by the agency) in which to make a decision. Failure to act within the specified time periods shall be deemed approval of the application.

5. Appeal: Decision of the Council may be appealed to the State Board of Health by the applicant or more than 1/3 of the members of the agency.

I. NATURE OF APPROVAL:

1. Form of Approval: Certificate issued by the Department.
2. Duration of Approval: Construction or modification must be started within twelve months of issuance of the certificate and be completed within 12 months of estimated time for completion to avoid expiration of the certificate. However, the Council may grant an extension if good cause is shown why the work has not commenced or been completed.
3. Conditions: The Certificate is transferable.

- A. NAME OF PERMIT: Report of Installation of New Boilers
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.10.0
- C. AGENCY: Division of Labor, Colorado State Boiler Inspector
- D. AUTHORITY: C.R.S. 1973, §§ 9-4-106, 107

The owner or user of boilers, except those exempt under § 9-4-104, which are used in this State shall report the location of newly installed or relocated boilers. Section 101(2) defines "boiler" as a closed pressure vessel in which a fluid is heated for use external to itself by the direct application of heat resulting from the combustion of fuel, solid, liquid, or gaseous, or by the use of electricity or nuclear energy.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The section authorizes the sending of an inspector within 10 days of notification to examine said boilers as described in § 9-4-106(2), before and upon completion of installation.
- 4. Fee Schedule/Bond: As prescribed in § 9-4-102.

I. NATURE OF APPROVAL:

- 1. Form of Approval: Inspection certificate and identification tag.
- 2. Duration of Permit: As stated on the certificate.
- 3. Conditions: The certificate shall specify the maximum pressure under which the boiler may be operated.
- 4. Reviews/Monitoring: Certificate must be posted under glass in the room containing the boiler.

- A. NAME OF PERMIT: Review/Approval of Construction (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: Regional Planning Commission or County Planning Commission
- D. AUTHORITY: County Planning and Building Codes, C.R.S. 1973, § 30-28-110

C.R.S. 1973, § 30-28-110(1)(a) states that whenever any county planning commissioner or, if there is none, any regional planning commission has adopted a master plan of the county or any part thereof, no road, park, or other public way, ground, or space, no public building, structure, or public utility, whether publicly or privately owned, can be constructed or authorized in the unincorporated territory of the county until and unless the proposed location and extent thereof has been submitted to and approved by such county or regional planning commission.

H. PROCESSING REQUIREMENTS:

- 5. Appeals: Section 30-28-110(b) states that in the case of disapproval, the planning commission must communicate its reasons to the board of county commissioners of the county in which the project is proposed to be located. Such board has the power to overrule such disapproval. The failure of the commission to act within thirty days is deemed approval.

- A. NAME OF PERMIT: Electrical Inspection
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.10.0
- C. AGENCY: State Electrical Board, Division of Labor of the Department of Labor and Employment.
- D. AUTHORITY: C.R.S. 1973, § 12-23-116

Any electrical installation in any new construction or remodeling or repair requires application for inspection, in order to insure that such installation meets the minimum electrical standards as provided by the state.

H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: Applicant may apply through any private, municipal, or cooperative electrical utility rendering service to the ultimate public, for an application for inspection, except where any incorporated town or city, any county, or any city and county of this state has an established building department where applications for building permits and inspections are processed, in which case such individual applicant shall apply to such building department. Such utilities shall remit the application for inspection to the State Electrical Board on forms provided.
- 4. Fee Schedule/Bond: Fees vary depending on square footage or valuation of work. If an application for inspection is not filed in advance of commencement of an installation, the inspection fee shall be twice the amount prescribed therefor in the statute.

I. NATURE OF APPROVAL:

- 1. Form of Approval: Upon payment of the fee to the State Electrical Board, the Board issues a temporary permit to the applicant. The state inspector is notified and conducts a final inspection. Upon final inspection and approval, written notice shall be issued by the Board to the applicant, the utility, and the state inspector responsible for such inspection. No utility shall provide service to any person required to have the electrical inspection without proof of such final approval.

- K. OTHER: Most cities and counties in Colorado have established building departments. In such case application should be made directly to such building department and electrical inspections will be conducted by such department, rather than by the state inspector.

GENERAL NOTES: LOCAL PERMITS - ALL COUNTIES

Scope of Coverage:

Sub-state level governments and agencies abound. It would be impractical to identify and analyze potential permit requirements of all of them. Accordingly, only county level requirements have been examined.

One major exclusion from the scope of local permit coverage in this system is the approximately 150 cities, towns, villages, and similar municipal governments located within the study area. This exclusion may not be of much significance in practical terms, since any major oil shale development will almost certainly occur outside municipal boundaries in unincorporated areas subject to county jurisdiction. It is possible, however, that new housing and related community facilities required in conjunction with such a development will occur within municipal limits, in which case zoning, subdivision and other permit requirements of the appropriate municipality will have to be identified and followed.

Another major exclusion is special districts--e.g., water and/or sanitation (sewer) districts, water or soil conservation districts, solid waste disposal districts, drainage or flood control districts, fire protection districts, and many others authorized by the statutes of one or more of the three states in the study area. Some or all of the many special districts located within the study area may have permit requirements of their own. Often, compliance with such requirements will be built into county permit procedures through county referral of development proposals to other interested agencies. This will not always be the case, however, and identification of and consultation with the appropriate special districts will be necessary once a specific development site has been selected for consideration.

Even at the county level, coverage is necessarily less than complete. County zoning codes, for example, typically require a permit for almost all new construction or changes in land use in order to assure conformity with the requirements of the zone district in which the construction or new use is to occur. Determination of whether and how easily such a permit may be obtained depends on what is proposed where. The zoning codes

reviewed typically establish a wide variety of zone districts, most of which (various residential, commercial and industrial classifications) cover only negligible percentages of all the land in the county, generally along highways or adjacent to urbanized areas. On the other hand, one or a few districts (e.g., agriculture, grazing, wilderness/recreation, resource development) in any county cover substantially all of the unincorporated area within the county. It is only these few districts which have been analyzed in this study.

Guide to Use:

With regard to local permit requirements for any particular county, three sets of notes should be consulted: (a) these general notes on "All Local Permits", (b) the general notes for all counties within the applicable state (e.g., "Colorado-All Counties"), and (c) the general notes for the particular county involved. In addition to these individual county notes, the system includes (1) permit process descriptions for most of the permits which may be required in a particular county, and (2) a matrix for each zoned county in which the various land uses are tabulated against the one or more relevant zoning districts. Abbreviations appearing on those matrices are explained below.

General notes for any particular county recite "Relevant Documents." These are the county documents actually obtained, in response to our broad telephonic and written requests for relevant documents, and reviewed in preparing the notes, matrices, and descriptions referred to above. Though occasional mention is made of apparent inconsistencies between county requirements and the applicable state enabling legislation, the user of this system cannot assume that county requirements have been systematically examined for consistency with such enabling legislation.

Zoning:

1. Abbreviations. Uses specifically permitted by right in any zone district analyzed are indicated by a "P". Uses specifically permitted in a particular zone as a special use are indicated by an "S", and the special use procedures are separately detailed. The same is true of conditional uses ("C") and temporary uses ("T").

Uses which are not permitted in a particular zone under any circumstances, but are explicitly permitted in one or more other zones, will require an amendment of either the zoning code text (to add the use as a permitted use in the subject zone) or, more likely, the zoning map (to change the applicable zone to one in which the particular use is permitted). Such uses are indicated by an "A", and the amendment procedures are separately detailed.

In the zoning context only, uses for which no symbol is indicated have an uncertain status. This is due to the unpredictable interaction of at least three general rules regarding zoning. First, a use not specifically permitted in a particular zone is presumed to be prohibited. This presumption results in an "A" designation (zoning amendment required) where the use is explicitly permitted in another zone. But where this is not the case, it is unclear whether the code drafters intended to prohibit the use everywhere or simply failed to deal with it in the code.

Second, the officer charged with administering a zoning code is frequently authorized (with appeal to the board of adjustment) to permit in any zone a use which is not explicitly permitted or prohibited, but which is sufficiently similar to explicitly permitted uses that it would fit in unobtrusively, not be a nuisance in relation to permitted uses, etc. Obviously, a good deal of unpredictable administrative discretion is permitted under such provisions.

Third, some types of land uses are not typically dealt with in a zoning code. Roads are a good example; they are required and permitted in relation to virtually all types of land uses, yet they are rarely listed as a permitted use in any particular zone. The same is true for at least the underground portions of water distribution and sewage collection systems. Sometimes it is also true for fuel pipelines, utility transmission lines, and landfill.

To determine the permissibility of uses for which no symbol is indicated, a ruling by the zoning administrator, and perhaps the board of adjustment, should be sought on a case-by-case basis.

2. Accessory Uses. In addition to listing permitted uses in each zone, zoning codes typically provide that unlisted uses which are accessory or customarily incident to listed uses are also permitted. Moreover, permitted uses are often vaguely stated--e.g., "mining", without more. Does "mining" or the like include, implicitly or as an accessory use, "processing" and "prer refining" as those terms are used in this data system? Does it include concrete batch mix plants? Where questions of this sort have arisen, we have made a best guess as to the correct answer, based upon our understanding of industry practice and technology, the rest of the zoning code, and occasionally verbal contact with a representative of the cognizant agency. Doubts have been resolved in favor of listing the most onerous of the possible permits or procedures. Firm answers to such questions must await rulings by the zoning administrator, and perhaps the board of adjustment, on a case-by-case basis.
3. Health Facilities. On-site, out-patient emergency care facilities may well be permitted as accessory uses wherever mining is permitted. Accordingly, this use category has been analyzed on the assumption that it is an in-patient facility which is proposed. Usually, an out-patient facility (e.g., clinic) is permitted wherever an in-patient facility (e.g., hospital) is permitted, but the converse is often untrue.
4. Housing. Housing is permitted in virtually all zones, but frequently the permitted density is unacceptably low for housing large numbers of construction or operational personnel. Accordingly, housing has been indicated as a permitted use only where considerably less than one acre per dwelling is required as a minimum lot size. (For additional notes on housing, see "Subdivision Control" below).
5. Supplemental Requirements. Even where a use type is permitted in a particular zone, approval of a specific proposal will require compliance with a variety of other standards contained in the zoning code. These may relate to lot size, set-backs, building size and bulk, distance from incompatible uses, parking, signs, noise, vibration, dust emissions, and so forth. No attempt has been made to systematically analyze such supplemental requirements in this study. The user is directed to the relevant zoning code for further detail.

Subdivision Control:

Subdivision approval is required whenever land is subdivided. What constitutes a "subdivision" of land is a matter of statutory definition as detailed in each of the general notes for all counties within the three subject states.

Development of new housing will almost always require subdivision approval. In our review we have concentrated on single-family and mobile housing (rather than apartments or condominiums) as the most likely types in the rural areas involved. Mobile home developments are typically of two types, which may be treated differently under the regulations of some counties. In a mobile home subdivision, the underlying lot is sold to the homeowner just as in a conventional home subdivision. In a mobile home park, the land remains in single ownership and individual lots are leased to residents who typically supply their own mobile home. In addition to initial subdivision approval, mobile home parks are frequently subject to annual or other periodic licensing based on maintenance of operating standards.

Application of subdivision control to non-housing development is far less likely, especially where unified ownership and possession of land is involved. However, one or more of the state subdivision statutes may apply even to mining and processing activities if sufficiently small tracts of land are to be owned or controlled (such as under long-term leases) by different entities. In such a case, further investigation is advised.

Federal, State and Indian Lands:

Whether counties have the legal authority to apply their land use and related regulations to lands owned in whole or in part by the federal or state government, or located within the boundaries of an Indian reservation, is much disputed. As a legal matter, much depends on the nature of the non-private ownership, which may vary from place to place. As a practical matter, much depends on whether the county would assert jurisdiction and whether the state, federal government, or Indian tribe would object to such assertion of jurisdiction. Rather than attempting to predict the law in this area, we have not distinguished lands on the basis of their private, federal, state, or Indian ownership of surface and/or minerals in our analysis of county level permit requirements. In the few

cases where county ordinances are by their own terms limited to private lands, the fact is noted in the general notes for that county.

Water and Sewer:

All of the counties reviewed require some proof of adequate water supply and sewage or waste water disposal before necessary zoning, subdivision, or related permits may issue. This is an area in which county requirements are typically vague. Sometimes the county seems only to require approval by cognizant state level authorities. Other times independent local standards and review appear to be envisioned. Requirements may vary with the type of supply and disposal system required--e.g., mining-related versus domestic and, in the latter case, on-site well and septic versus public. Connection with existing public systems is encouraged or even required where feasible, which requires consultation with the municipality or special district operating the relevant public system. If a new public system is required (e.g., because connection to an existing one is not feasible and because private on-site systems dictate unenconomically low density), further investigation will be necessary to determine whether a new special district should be formed, whether private ownership and operation of a "public" system is permitted or desired, and similar questions. In short, local "permit" requirements in the water and sewer area are not amenable to the format or level of detail of this study, and further independent investigation is advised.

Miscellaneous Permits:

Certain sorts of routinely required permits are not tabulated in the county permit descriptions. For example, a permit to cross public roads with a pipeline or transmission line is generally required and, with reasonable restrictions on location of the line and obstruction of traffic flow during its installation, is not difficult to obtain for an otherwise permitted line. Similarly, permits for use of public roads by extra large or heavy vehicles, or to access private roads onto public ones, are common. Such permits may be noted in the general notes for a particular county, but failure so to note does not necessarily indicate lack of such permit requirements. The county road department should be contacted for further information.

Similarly, permits are routinely required under county building, fire, mobile home, or similar construction codes. Procedures and minimum standards under such codes are not tabulated in the county permit descriptions. However, individual county notes do indicate whether the particular county does or does not have a building code. Frequently, the building code and the zoning code are administered by the same county officer or department, and issuance of the required "building permit" may depend on compliance with both the building and zoning codes. Where a building or other construction code exists, developers should assume that all but negligible new construction or alteration will require submission of plans for review and issuance of a permit indicating compliance with the code. For further details, consult the county involved.

GENERAL NOTES: ALL COUNTIES - COLORADO

Zoning:

County zoning in Colorado is authorized and controlled by C.R.S. 1973, §§ 30-28-11 through 127, and by the Planned Unit Development Act of 1972, C.R.S. 1973, §§ 24-67-101 et seq. Two points are worth mentioning in this otherwise typical zoning enabling act. First, temporary regulation or even prohibition of all development may be imposed for up to 6 months pending adoption of a zoning plan (§ 30-28-121). This may be significant in the one relevant county (Delta) currently lacking a zoning plan and possibly also in other counties if a proposal for major new development precipitates a significant revision of existing zoning plans. Second, county zoning applies to public utility facilities but may be overridden by specific order of the Colorado Public Utilities Commission.

Subdivision Control:

County regulation of land subdivision is mandated and controlled by C.R.S. 1973, §§ 30-28-101, 113, 136, and 137, popularly known as "Senate Bill 35." Counties must regulate all subdivisions according to statutory minimum standards. The definition of "subdivision" is complex, but basically it encompasses any change in the ownership or use of land which creates one or more new parcels of less than 35 acres or which is to be used for condominiums, apartments or any other multiple dwelling units (§ 30-28-101(10)). For example, "subdivision" includes a division of 100 acres into two separately owned parcels of 34 and 66 acres each, and development of apartment buildings on a parcel of any size.

Section 30-28-136 contains extensive requirements for referral of proposed subdivisions to various state and local agencies for review and comment. These include each county or municipality within two miles of any portion of the proposed subdivision, appropriate school districts, the state forest service where applicable, the state geological survey, applicable special districts or ditch companies, the state engineer (with regard to adequate water availability), and others. Referral must also be made to the local or state department of health, which

must give a favorable recommendation regarding proposed sewage disposal in order for the proposal to receive approval. Reviews by referral agencies are to be completed within 24 days, but need for additional data may extend this period and later reports may be considered anyway.

State Land Use Commission:

The Colorado Land Use Commission (LUC), created and governed by C.R.S. 1973, §§ 24-65-101 et seq., can affect local land development in two significant ways. The first is through its various powers pursuant to House Bill 1041, C.R.S. 1973, §§ 24-65-101 et seq. Briefly, counties (with possible LUC prodding and involvement) may designate areas or activities of state interest and require a separate permit for any development within designated areas or involving designated activities. House Bill 1041 and the designation and permitting procedures thereunder are separately described.

The LUC may also determine that an "in progress or proposed land development activity . . . constitutes a danger of injury, loss, or damage of serious and major proportions to the public health, welfare, or safety," § 24-64-104(2)(a), in which case it is to so notify the commissioners of the county in which the dangerous development is located. If they do not remedy the situation within a reasonable time, the LUC may request gubernatorial review. If the governor consents to review the situation and concludes that such danger exists, he may direct the LUC to issue a cease and desist order to the developer. This order is enforceable through appropriate judicial proceedings. A major and controversial mineral development could conceivably trigger the exercise of this rarely used power.

Master Planning:

Counties are required to establish planning commissions and to adopt master plans. (Regional planning commissions and master plans, covering areas falling within two or more counties or municipalities, are also authorized. While regional planning commissions have jurisdiction over all or parts of some of the relevant Colorado counties, none of such commissions currently have their own land use controls or permit requirements.)

Once a county plan is adopted, no road or other public way, inter alia, and no public utility, "whether publicly or privately owned," § 38-28-110, may be authorized without planning commission approval. (The county commissioners and, depending on the type of development, other public entities, may override planning commission disapproval, however.) It is unclear "whether publicly or privately owned" applies only to public utilities or to all the facility types listed. Accordingly, county approval even of private roads may be required.

HB 1034:

House Bill 1034 (1974), C.R.S. 1973, §§ 29-20-101 et seq, constitutes a broad grant of discretionary authority to counties and municipalities to control land use and development. Where specific enabling statutes exist (e.g., zoning and subdivision control), their requirements and limitations must be observed. But this short, general, and judicially uninterpreted enactment would appear to authorize any and all other means of land use control which are not unconstitutional.

State-Local Permits:

Three types of state-mandated but (often) locally-administered permits are described once for all Colorado counties, much like the HB 1041 permit description. These are:

1. Certificate of Designation to Operate a Solid Wastes Disposal Site and Facility. (See 02057)
2. Individual Sewage Disposal Systems Permit. (See 02041)
3. Electrical Installation Inspection and Permit. (See 02960)

03005

- A. NAME OF PERMIT: Notification of Construction for Source Subject to New Source Performance Standards (NSPS)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah Division of Health, Air Conservation Committee
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7411 (§ 111) (See 01005)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. § 60.4(TT)

03011

- A. NAME OF PERMIT: Approval of Construction, Installation, or Establishment of Air Contaminant Source
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: The Air Conservation Committee of the Division of Health of the State of Utah
- D. AUTHORITY: U.C.A. 1953, § 26-24-9

Notice must be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to change the amount or the character of air contaminants discharged, so that such installation may be expected to be a source or indirect source of air pollution, or by any person planning to install an air cleaning device or other equipment intended to control emission of air contaminants.

- E. APPLICABLE REGULATIONS/STANDARDS: Utah Air Conservation Regulations, Section 1-6
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The executive secretary may require the submission of plans, specifications, and such other information as he deems necessary in order to determine whether the proposed construction, installation, or establishment will be in accord with applicable rules and regulations in force under this act.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The executive secretary has 90 days after receipt of plans, specifications, and other information to determine whether the proposed construction, installation, or establishment or any part of it will or will not be in accord with the requirements of this act or that further time, not to exceed three extensions of 30 days each, is required by the committee to adequately review the plans, specifications, or other information.

3. Hearing Requirements/Notice: Any person or persons aggrieved by the issuance of an order either granting or denying a request for the construction of a new installation shall, upon request in accordance with the rules of the committee, be entitled to a hearing. Following the hearing, the permit may be affirmed, modified or withdrawn.

I. NATURE OF APPROVAL:

1. Form of Approval: The executive secretary shall issue an order either granting or denying a request for the construction of a new installation.
4. Reviews/Monitoring: Any duly authorized officer, employee, or representative of the committee may enter and inspect any property, premise, or place on or at which an air contaminant source is located or is being constructed, installed, or established at any reasonable time for the purpose of ascertaining the state of compliance with this act and the rules and regulations in force under it.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: PSD and EIS

03014

- A. NAME OF PERMIT: Open Burning Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Board of Health, Utah Air Conservation Committee
- D. AUTHORITY: U.C.A. 1953, §§ 26-24-5, 26-15-5

No open burning shall be done at sites used for disposal of community trash, garbage and other wastes except as authorized through a variance by the Air Conservation Committee.

- E. APPLICABLE REGULATIONS/STANDARDS: Utah Air Conservation Regulations

03021

- A. NAME OF PERMIT: Permit to Discharge Wastes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Board of Health, Committee on Water Pollution
- D. AUTHORITY: U.C.A. 1953, § 73-14-2,5

U.C.A. 1953, § 73-14-5 states that it is unlawful to carry on the following activities without first securing such permit as is required by the Committee on Water Pollution, for the disposal of waste discharges into waters of the State: (1) construction, installation, modification or operation of any works; (2) increase in volume or strength of any wastes in excess of specifications under any existing permit; (3) construction, installation, operation, or modification of any establishment, the operation of which would cause an increase in the discharge of wastes; and (4) construction or use of any new outlet for the discharge of any wastes. "Wastes" means any sewage, industrial waste and all other liquid, solid or gaseous substances which pollute waters of the State. "Pollution" means such contamination, or other alteration of the physical, chemical or biological properties of any waters of the State, or such discharge of any liquid, solid or gaseous substance which will create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses.

- E. APPLICABLE REGULATIONS/STANDARDS: Utah Code of Waste Disposal Regulations, Parts I through V.

03022

- A. NAME OF PERMIT: Notification of Spill or Discharge
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.20.0
- C. AGENCY: Committee on Water Pollution of the Division of Health.
- D. AUTHORITY: U.C.A. 1953, § 73-14-9.5. Any spill of oil or other polluting substance into the waters of the state must be reported to the Committee.

03046

- A. NAME OF PERMIT: Approval of Drinking Water System
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Bureau of Health
- D. AUTHORITY: U.C.A. 1953, § 26-15-5(5). Approval is required if the system will serve 10 or more residences or 50 or more people daily. Approval is also required for a modification or addition to an existing system.
- E. APPLICABLE REGULATIONS/STANDARDS: Board of Health regulations for public water supplies.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: approximately 1-2 months
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: letter - needed prior to construction or alteration
 - 2. Duration of Permit: indefinite
 - 3. Conditions: system inspected prior to operation

03051

- A. NAME OF PERMIT: Permit for Waste Disposal
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Board of Health, Utah Department of Social Services
- D. AUTHORITY: U.C.A. 1953, § 26-15-5

The Board of Health is empowered to establish minimum sanitary standards for the collection, treatment and disposal of sewage, industrial wastes and garbage and refuse, including control of the construction and operation of systems and approval of plans covering the construction and extension of such systems. This does not include the deposition of inert construction debris used as fill material or mine tailings and overburden, provided such deposition does not cause a public nuisance or hazard or contribute to air or water pollution.

- E. APPLICABLE REGULATIONS/STANDARDS: Code of Solid Waste Disposal Regulations
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Design plans and related information shall be submitted to the Division of Health for review and approval prior to the construction of any solid waste disposal site. Such plans shall include those items set forth in the Code ("Submission of Plans"--pp. 1 and 2.)
- I. NATURE OF APPROVAL:
 - 3. Conditions: Each disposal site shall be operated as described in the Code under "Site Operation," pp. 3 and 4.

03089

- A. NAME OF PERMIT: Notice of Intention to Drain or Divert Waterway
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Division of Wildlife Resources
- D. AUTHORITY: Wildlife Resources Code of Utah, U.C.A. 1953, § 23-15-5

Any person, company or corporation owning or controlling any irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into any state waterway containing protected aquatic wildlife who shall desire to drain any such waterway, or who shall intend to divert sufficient water from any state waterway endangering the protected aquatic wildlife therein, shall give five days' written notice to the Division of Wildlife Resources prior to the diversion except that under emergency conditions reasonable notice shall be given.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Notice must be given to the Division five days prior to the diversion.

- A. NAME OF PERMIT: Permit to Take Protected Wildlife
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Division of Wildlife Resources, Utah Wildlife Board
- D. AUTHORITY: Wildlife Resources Code of Utah, U.C.A. 1953, §§ 23-15-7, 23-17-2, and 23-19-1-3

The Wildlife Resources Code of Utah provides that it is unlawful to take any protected wildlife, which is defined by the Code to include certain birds and aquatic wildlife as well as other animal life, without a permit or license from the Utah Wildlife Board. It is also unlawful to take or destroy the nests or eggs of birds or aquatic wildlife.

The Code further provides that anyone diverting water for power purposes or water works must, under the supervision of the Board of Wildlife, provide a screen to prevent fish from entering. It is unlawful for a person without existing water rights to divert sufficient water to unduly endanger protected aquatic wildlife.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Section 23-19-2 states that the Wildlife Board shall prescribe the form for a license.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Section 23-19-3 states that special tags may be required as supplements to licenses and permits.

03091

- A. NAME OF PERMIT: Protection of Fish and Game (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Board of County Commissioners
- D. AUTHORITY: U.C.A. 1953, § 17-5-30

The County Commissioners may make regulations for the protection of fish and game within the county.

03093

- A. NAME OF PERMIT: Easement on Division of Wildlife Resource Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.6
- C. AGENCY: Division of Wildlife Resources
- D. AUTHORITY: U.C.A. 1953, §§ 23-14-1 and 3; U.C.A. 1953, §§ 23-21-1 and 3. Easement required for occupation or use of Division lands.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Regional Director must recommend approval.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: letter request with no specific form.
 - 2. Staff Review Time: approximately 6 weeks
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: until use expires

03104

- A. NAME OF PERMIT: Designation of Historical Sites
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah Division of State History
- D. AUTHORITY: National Historical Preservation Act of 1966,
16 U.S.C. §§ 470 et seq. (See 01104) State authority to
designate such sites, at U.C.A. 1953, § 63-18-26, 32.

- A. NAME OF PERMIT: Historical/Cultural Review of Projects
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Historical Preservation Officer, Division of State History
- D. AUTHORITY: U.C.A. 1953, § 63-18-37. Any state agency which proposes to take any action on a proposal which will impact a district, site, building or object listed in or eligible for listing in the state or national register of historic places must notify the historic preservation officer prior to taking the action (i.e., granting a permit or approval). The historic preservation officer may comment on the proposal, including recommendations for alternative plans to preserve the historical building or site.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 2 weeks to a month
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: comments to agency responsible for action on proposed project
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Review by the Environmental Coordinating Committee (see 03360).

03112

- A. NAME OF PERMIT: Permit for Excavation on Sites Designated as "State Archaeological, Anthropological, or Paleontological Landmarks."
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.1,6
- C. AGENCY: Division of State History
- D. AUTHORITY: U.C.A. 1953, § 63-18-25

It is unlawful to excavate on a privately owned designated site without a permit.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Before any alteration is commenced on a designated landmark, 3 months' notice of intent to alter shall be given.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Notice to Division of State History of discovery of such site or specimen (U.C.A. 1953, § 63-18-27).

03113

- A. NAME OF PERMIT: Permit to Explore, Excavate or Remove Archaeological or Paleontological Remains -- (state or federal land)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.3,4,5,6
- C. AGENCY: Division of Parks and Recreation
- D. AUTHORITY: U.C.A. 1953, § 63-11-2. It is necessary to obtain a permit prior to excavating or exploring any ruins or sites of significance. If an oil shale operation were to encounter such a site, this permit would have to be obtained by either the mining company or any contractor hired by it to excavate and remove the site.

03114

- A. NAME OF PERMIT: Report of Archaeological Discovery
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.6
- C. AGENCY: Utah Division of State History
- D. AUTHORITY: U.C.A. 1953, § 63-18-27

Any person who discovers any site or specimen on lands owned by the State shall promptly report such discovery.

I. NATURE OF APPROVAL:

- 4. Reviews/Monitoring: It is the intention of the legislature that discovery in privately owned lands of sites or specimens should be immediately reported and that field investigations should be discouraged.

- A. NAME OF PERMIT: Permit to Move Heritage Trees
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Local Shade Tree Commission or The Division of Parks and Recreation, Department of Natural Resources, State of Utah
- D. AUTHORITY: U.C.A. 1953, § 63-11-59

Any person that desires to remove one or more heritage trees (as defined in § 63-11-58) from any public property within this state shall before removing any such tree making application to the local shade tree commission or the division.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application for removal shall be filed with the local commission or the division at least 60 days before the actual removal of any such trees. The application shall state the name of the applicant, the number, location and species of the trees proposed to be removed, the reason for removal, and such other information as the division may reasonably require.
- K. Local Shade Tree Commission: None exist at the county level in any county contacted. An operator should contact local authorities in a development area prior to removing such trees.

- A. NAME OF PERMIT: Notice of Intention to Commence Mining Operations
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: The Division of Oil, Gas, and Mining, State of Utah
- D. AUTHORITY: Utah Mined Land Reclamation Act, U.C.A. 1953, § 40-8-13

Before any operator shall commence mining operations, or continue mining operations pursuant to § 40-8-23, the operator shall file with the division of separate notice of intention for each individual mining operation.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The notice shall require the operator to detail, but shall not be limited to, a plan of reclamation of the lands affected. In connection with the notice, the operator shall furnish evidence in the form of acceptable insurance policies or other factual data that the operator will be financially responsible during the proposed mining operations for the payment of offsite public liability or property damage claims for which he may become liable.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Within 30 days after receipt of the notice of intention or within 30 days following the last action of the operator or the division on the notice of intention, the division shall reach a tentative decision with respect to the approval of the notice of intention.
 - 3. Hearing Requirements/Notice: The information relating to the land affected and the tentative decision shall be forwarded to the operator and be published one time only in all newspapers of general circulation published in the county where the land affected is situated, and in a daily newspaper of general circulation in Salt Lake City, Utah. A copy of the abbreviated information and tentative decision shall also be mailed to the zoning authority of the county or counties in which the land affected is situated and to the owner or owners of record of the

land affected. Any person or agency aggrieved by the tentative decision may file a written protest with the division setting forth factual reasons for his complaint. If no factual written protests are received by the division within 30 days after the last date of publication, the tentative decision on the notice of intention shall become final and the operator will be so notified. If written objections of substance are received, a hearing shall be held before the board in accordance with § 40-8-8 following which the board shall issue its decision.

4. Fee Schedule/Bond: After receiving notification that a notice of intention has been approved, but prior to commencement of such operations, the operator shall provide surety to the division, in a form and amount determined by the board.

I. NATURE OF APPROVAL:

2. Duration of Permit: An approved notice of intention or approved revision of it shall remain valid for the life of the mining operation, as stated in it, unless the board shall withdraw such approval as provided in this act. (See § 40-18-16) Authority to mine may be transferred to another party (see § 40-8-19)
3. Conditions: Each applicant or operator under a notice of intention shall permit members of the board, the division, or other state agency having lawful interest in the administration of this act to have the right at all reasonable times to enter the affected land and all related properties included in the notice of intention, whether or not approved, to make inspections for the purposes of this act.

03251

- A. NAME OF PERMIT: Notice of Commencement of Mining
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.20.0
- C. AGENCY: Division of Oil, Gas and Mining
- D. AUTHORITY: U.C.A.-1953, § 40-8-15 requires such notice be given within 30 days of commencement of mining operations.

- A. NAME OF PERMIT: Prospecting Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: The Utah State Land Board
- D. AUTHORITY: U.C.A. 1953, § 40-1-13

The state land board is authorized to issue prospecting permits to citizens of the United States upon any lands in which the State owns the mineral rights, and to grant to the permittee the exclusive right to prospect for minerals upon said lands, together with the exclusive right at any time during the life of the permit to have a mineral lease issued to him upon said lands in accordance with the laws of this state relating to mineral leases.

I. NATURE OF APPROVAL:

- 2. Duration of Permit: No permit shall be issued for a longer period than one year, but the board shall make yearly renewals as long as the permittee shall comply with the terms of the permit.
- 3. Conditions: No person or group of persons shall be entitled to a permit covering more than one hundred and sixty acres within any one township, and the said one hundred and sixty acres shall be described in square tracts of not less than ten acres each. The permittee shall cause not less than \$250 worth of development work to be performed upon the lands in each township every six months, and he shall not remove therefrom any ore until a mineral lease is issued to him by the land board.

- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Notice of intention to commence mining operations

03257

- A. NAME OF PERMIT: Notice of Intent to Revise Mining Operations
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: The Division of Oil, Gas and Mining, State of Utah
- D. AUTHORITY: Utah Mined Land Reclamation Act, U.C.A. 1953, § 40-8-18

In recognition that mining operations and related reclamation plans may require amendment to fit changing conditions and developing technology, an operator who is conducting mining operations under an approved notice of intention may, at his election, submit to the division a notice of intention to revise mining operations.

- F. PRECEDENT PERMITS/EVENTS: Notice of intent to mine
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A notice of intention to revise mining operations shall be processed and considered for approval by the division in the same manner as an original notice of intention, and the operator shall be authorized and bound by the requirements of his existing notice until the revision is acted upon and any revised surety requirements are established and satisfied.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 30 day minimum estimate

03262

- A. NAME OF PERMIT: Notice of Suspension of Mining Operations
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Division of Oil, Gas and Mining
- D. AUTHORITY: Utah Mined Land Reclamation Act, U.C.A. 1953,
§ 40-8-21

In the case of a temporary suspension of mining operations, excluding labor disputes, expected to be in excess of 6 months but not less than two years' duration, the operator shall notify the Division within 30 days.

- F. PRECEDENT PERMITS/EVENTS: Notice of intent to commence mining operations
- I. NATURE OF APPROVAL:
 - 4. Reviews/Monitoring: The division shall within 30 days cause inspection to be made and take whatever action may be appropriate in furtherance of the purposes of the Act.

03280

- A. NAME OF PERMIT: Yearly Mining Operations Progress Report
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Division of Oil, Gas and Mining
- D. AUTHORITY: U.C.A. 1953, § 40-8-15 requires filing of an annual operations and progress report, unless waived by the Division.

03309

- A. NAME OF PERMIT: Permit for Handling of Explosive Materials (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Board of County Commissioners
- D. AUTHORITY: U.C.A. 1953, § 17-5-36

County Commissioners may adopt such rules and regulations with regard to the keeping and storing of explosives as the safety and protection of the lives and property of individuals may require. To date (October, 1978) no counties have developed such rules and regulations.

03310

- A. NAME OF PERMIT: License for Storage of Explosives
- B. APPLICABILITY/DESCRIPTION: 3.1.0.0.0.8.20.0
- C. AGENCY: Industrial Commission, State of Utah
- D. AUTHORITY: U.C.A. 1953, § 40-5-4

It is unlawful for any person employing more than four men at any one time to have stored at any shaft house or covering over any adit, incline or tunnel connected with a metalliferous mine, any powder or other high explosive whatever; or to have stored within the underground workings of such mine at any one time more than enough powder or other high explosive to do the work for each twenty-four hours, without first having obtained written permission from the industrial commission.

- K. NOTE: This applies to metalliferous mines only, by definition. There are no requirements for non-metal mines, although logic would dictate that there should be.

03312

- A. NAME OF PERMIT: Permit for Transportation of Explosives
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: U.C.A. 1953, § 41-6-154, the Public Service Commission is authorized to promulgate regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as it shall deem advisable for the protection of the public.

03332

- A. NAME OF PERMIT: Burning Permit, Closed Fire Season
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Forester and State Board of Lands, Utah
- D. AUTHORITY: U.C.A. 1953, § 24-2-12

During the closed fire season (normally June through October) it shall be a misdemeanor to set on fire, or cause to be set on fire any flammable material on any forest, brush, range, grass, grain, stubble or hay land without first securing a written permit from the state forester or a designated deputy, and complying fully with the terms and conditions prescribed with the permit.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: One week estimate

I. NATURE OF APPROVAL:

- 3. Conditions: The burning permit shall be permission to start a fire under prescribed conditions and serve as notification of intent to burn. The burning permit shall in no way relieve an individual from personal liability due to neglect or incompetence.
- 4. Reviews/Monitoring: The state forester, his deputies and the county sheriffs shall have the right to refuse, revoke, postpone or cancel permits when they shall deem it necessary in the interest of public safety.

- A. NAME OF PERMIT: Review and Comment by Environmental Coordinating Committee
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Environmental Coordinating Committee
- D. AUTHORITY: 1979 Governor's Executive Order. Such action is required any time a state agency is to take action on a proposal. The ECC also acts to coordinate funding requests to the federal government, and environmental impact statements from federal agencies on actions affecting the State of Utah.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: If a state agency action will significantly impact social, environmental or economic values, the applicable agency proposing the action or issuing the approval must prepare an environmental assessment.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: comments within 45 days of receipt of proposal (30 days on federal documents)
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Comments on any action contemplated by a state agency.

03401

- A. NAME OF PERMIT: Utility Easement on Park Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,3,5,6.20.6
- C. AGENCY: Chief of Development Services, Division of Parks and Recreation
- D. AUTHORITY: U.C.A. 1953, § 63-11-10.3
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A letter application including plans for the utility easement must be filed. The Environmental Coordinating Committee and the Division will review the application.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: easement

03402

- A. NAME OF PERMIT: Right-of-Way Across State Lands
 - B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,2,3,5,6.20.6
 - C. AGENCY: Division of State Lands
 - D. AUTHORITY: U.C.A. 1953, § 65-2-1 et seq. The State Land Board may grant rights-of-way on, through or over state land for various purposes, including power and telephone transmission lines, canals, ditches, railroads and roads.
-
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: term of years as agreed to
 - 3. Conditions: as required by the Division

03412

- A. NAME OF PERMIT: Use Permit on State Park Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.6
- C. AGENCY: Chief of Development Services, Division of Parks & Recreation
- D. AUTHORITY: U.C.A. 1953, § 63-11-17. Use of state park land for grazing, lumbering, special events, mining or natural resources development must be approved by permit.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Both the Division and the Environmental Coordinating Committee will review the application

- A. NAME OF PERMIT: Lease for Prospecting, Exploring, Developing and Producing Minerals
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Land Board
- D. AUTHORITY: U.C.A. 1953, § 65-1-18

The State Land Board may issue mineral leases covering any state lands or reserved mineral interests in state lands. Pursuant to § 65-1-15, all "coal and other minerals" on state lands are reserved to the state and subject to sale on a royalty basis.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applications shall be on such forms as the land board shall prescribe.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: Annual rental shall be not less than fifty cents per acre per annum nor more than one dollar per acre per annum and the royalty shall not exceed 12-1/2% of the gross value of the product at the point of shipment from the premises.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Leases shall run for such term as the board shall provide but in no event for a term of less than 10 years and so long thereafter as the mineral is produced in paying quantities, or the lessee pays a minimum royalty as prescribed by the board.

03488

- A. NAME OF PERMIT: Right-of-Way for Railroad
 - B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.20.6
 - C. AGENCY: Secretary of State; State Land Board
 - D. AUTHORITY: U.C.A. 1953, § 65-2-2. Any state lands not appropriated to a public use may have a right-of-way granted to any railroad company which has filed articles of incorporation with the Secretary of State. Such right-of-way includes the right to take sufficient material, earth, stone and timber from the state lands to complete the rail line, and to obtain adjacent land for stations, depots, machine shops, sidetracks, turnouts and water stations. The right-of-way is obtained by filing a map of the route with the Land Board.
- I. NATURE OF APPROVAL:
- 1. Form of Approval: noted on plats of State Land Board
 - 2. Duration of Permit: right is forfeited if the railroad is not completed within 5 years of grant.

03601

- A. NAME OF PERMIT: Registration of Source of Radiation
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Board of Health
- D. AUTHORITY: U.C.A. 1953, § 26-25-2. The Board of Health has the power to require registration of any source of ionizing radiation.

- A. NAME OF PERMIT: Certification of Appropriation of Water
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer, Division of Water Rights. Form 97 (Application to Appropriate Water); Form 49 (Proof of Appropriation of Water); Form 29 (Request for Reinstatement and Extension of Time).
- D. AUTHORITY: U.C.A. 1953, § 73-3-1,-2. The State Engineer may grant approval only where there is sufficient unappropriated water, and only pursuant to a proper application. The nature of the intended use, its amount in acre-feet or flow in second-feet, and the manner in which it will be diverted must be included, including the engineering design of the diversion works and/or diversion channel. If the intended use is for mining or milling, the application must include the name and location of the mine or mill, the mining district where located, its nature, and the place where the water will be returned to the natural stream or other source. Reservoir storage constitutes a diversion of water.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: approximately six months
 - 3. Hearing Requirements/Notice: newspaper publication once a week for three weeks. Any person may protest the application within 30 days of completion of publication. A hearing may be held (§ 73-3-7).
 - 4. Fee Schedule/Bond: The fee schedule to be charged by the State Engineer is set forth at U.C.A. 1953, § 73-2-14.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Certificate of Appropriation (§ 73-3-17).
 - 2. Duration of Permit: in perpetuity, so long as water is not abandoned for any five year period (see U.C.A. 1953, § 73-1-4).
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Proof of Appropriation (Form 49) must be filed, usually within two years of approval (§ 73-3-16).

03733

- A. NAME OF PERMIT: Approval of Change of Place or Use of Appropriated Water
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer
- D. AUTHORITY: U.C.A. 1953, § 73-3-3. No such change is allowed without payment of compensation, if it would impair existing rights.
- F. PRECEDENT PERMITS: Appropriation of water (#03729)
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: duplicate
 - 3. Hearing Requirements/Notice: Same notice as in #03729 unless distance changed is less than 660 feet. All those affected are given the opportunity to be heard if protest is made in accordance with § 73-3-7 within 30 days after the completion of publication of notice.
 - 4. Fee Schedule/Bond: See § 73-2-14.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: A certificate of appropriation is issued by the State Engineer, in accordance with § 73-3-17.
 - 2. Duration of Permit: may be temporary or permanent change.
 - 3. Conditions: as imposed by State Engineer
- K. Review of decision of State Engineer in accordance with U.C.A. 1953, § 73-3-14.

- A. NAME OF PERMIT: Permit to Drill Wells
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer, Department of Natural Resources,
State of Utah
- D. AUTHORITY: U.C.A. 1953, § 73-3-25-25

Every person drilling a well or wells in the state of Utah shall annually make application to the state engineer for a permit to drill such well or wells.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall be in a form to be prescribed by the state engineer.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: Applicant must file with the state engineer a bond in the sum of \$500, conditioned upon the proper compliance with the provisions of this section and the rules and regulations promulgated pursuant thereto. Such bond shall be made payable to the state of Utah and shall be approved by the state engineer. See also U.C.A. 1953, § 73-2-14 for the general fee schedule of the state engineer.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: All permits shall expire on the 31st day of December following the issuance thereof and shall not be transferable.
 - 3. Conditions: Well drillers are required to comply with the rules and regulations to be promulgated by the state engineer and if the state engineer determines, after an investigation and after a hearing upon at least 10 days' notice to the permittee, by registered mail, that such permittee has failed to comply with such rules and regulations, the state engineer may revoke the permit. The state engineer may refuse to issue a permit to a well driller if it appears that there has been a violation of the rules and regulations or a failure to comply

with § 73-3-22, Underground Water--Report of Well and Tunnel Drillers. A permit is not transferable

4. Reviews/Monitoring: The order of the state engineer revoking a permit or refusing to issue a permit shall be final unless an action to review his decision is filed within the time and in the manner provided by § 73-3-14.
 5. Renewal Procedures: Every person drilling a well must annually make application to the state engineer for a permit to drill such well.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: An existing well may be replaced with a replacement well within a radius of 150' from the existing well without the filing of a change application under § 73-3-3, upon approval first having been obtained from the state engineer, pursuant to § 73-3-28.

03735

- A. NAME OF PERMIT: Permit to Divert Appropriated Waters into Natural Streams and to Impound
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.20.0
- C. AGENCY: State Engineer, Department of Natural Resources, State of Utah
- D. AUTHORITY: U.C.A. 1953, § 73-3-20

Upon application in writing and approval of the state engineer, any appropriated water may for the purpose of preventing waste and facilitating distribution be turned from the channel of any natural stream or any lake or other body of water, into the channel of any natural stream or natural body of water or into a reservoir constructed across the bed of any natural stream, and commingled with its waters, and a like quantity less the quantity lost by evaporation and seepage may be taken out, either above or below the point where emptied into the stream, body of water or reservoir, provided the following conditions are met:

- a) The original water, body of water or reservoir must not be deteriorated in quality or diminished in quantity; and
- b) the water shall bear its share of the maintenance expense of the reservoir.

- F. PRECEDENT PERMIT: See #03729 (appropriation of water.)

- A. NAME OF PERMIT: Permit to Relocate Natural Streams
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer
- D. AUTHORITY: U.C.A. 1953, § 73-3-29

Section 73-3-29 states that it shall be unlawful in any manner to relocate any natural stream channel or to alter or change the beds and banks of any natural stream for any purpose other than to divert, conserve and store water for beneficial uses or to prevent erosion or flooding without first obtaining the written approval of the state engineer.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: All applications shall be in writing and shall contain the name and address of the applicant, and a complete and detailed statement of the location, nature and type of relocation, alteration or change, the methods to be employed, and the purposes thereof, and any additional information as may be determined necessary, including, but not limited to, plans and specifications of the proposed construction.

I. NATURE OF APPROVAL:

- 1. Form of Approval: If the proposed relocation, alteration or change will not impair vested water rights or will not reasonably or unnecessarily adversely affect any public recreational use or the natural stream environment, or endanger aquatic wildlife, the application shall be approved.

03737

- A. NAME OF PERMIT: Report of Completion or Abandonment of a Well
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer, Utah Department of Natural Resources
- D. AUTHORITY: U.C.A. 1953, § 73-3-22

This section states that any person, firm, copartnership, association, or corporation boring or digging wells or tunnels for the purpose of appropriating or using unappropriated underground waters shall, within 30 days after the completion or abandonment of such work, report to the state engineer the data relating to each well or tunnel drilled.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The report shall be made on forms furnished by the State Engineer and shall contain such information as the State Engineer may require, including but not limited to the name and address of the driller and owner of the well, and data concerning the well.

I. NATURE OF APPROVAL:

- 3. Conditions: U.C.A. 1953, § 73-5-9 authorizes the state engineer to require that abandoned wells be plugged to prevent waste, pollution or contamination of ground water aquifers or other waters.

03738

- A. NAME OF PERMIT: Approval of Construction and Repair of Dams
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.20.0
- C. AGENCY: Utah State Engineer
- D. AUTHORITY: U.C.A. 1953, § 73-5-5

Plans, drawings and specifications for any impounding dam which will impound more than 20 acre feet of water shall be submitted to the state engineer for his approval.

H. PROCESSING REQUIREMENTS:

- 1. Number of Forms: Plans must be submitted in duplicate.
- 2. Staff Review Time: Plans must be submitted 30 days before commencement of construction.
- 3. Hearing Requirements/Notice:
- 4. Fee Schedule/Bond: Applicant shall pay all expenses incident to the necessary examination.

I. NATURE OF APPROVAL:

- 1. Form of Approval: One copy of the plans shall be returned to applicant with the state engineer's approval.
- 3. Conditions: The state engineer may keep an inspector on the work site to see that the work is done in accordance with the plans.

03739

- A. NAME OF PERMIT: Diversion of Water Outside State
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: State Engineer
- D. AUTHORITY: U.C.A. 1953, § 73-2-8

The state engineer is authorized and empowered to receive and grant applications to appropriate water from interstate streams in Utah, where such water is to be conveyed and used for beneficial purposes within any border state, and to issue certificates of appropriation thereon, provided, the law of such border state in like manner permits the appropriation of water therein for use in Utah.

03810

- A. NAME OF PERMIT: Approval as Commercial Carrier -
Certificate of Convenience and Necessity
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission
- D. AUTHORITY: U.C.A.-1953, § 54-6-5. A certificate must
be obtained before a carrier may operate in intrastate
commerce.
- H. PROCESSING REQUIREMENT:
 - 3. Hearing Requirements/Notice: hearing required-notice
required 5 days prior.

03811

- A. NAME OF PERMIT: License to Operate as Common Carrier in Interstate Commerce
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission
- D. AUTHORITY: U.C.A. 1953, § 54-6-6. A license is required prior to operating in interstate commerce as a common carrier in the State of Utah.

03812

- A. NAME OF PERMIT: Permission to Discontinue Operations as Common Carrier
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission
- D. AUTHORITY: U.C.A. 1953, § 54-6-7. An order of the PSC is required before a common carrier authorized to operate in Utah may discontinue such operations.

03813

- A. NAME OF PERMIT: Permit to Operate as Contract Carrier in Intrastate Commerce.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: U.C.A. 1953, § 54-6-8. A permit is required to operate as a contract carrier in intrastate commerce.

03814

- A. NAME OF PERMIT: Permit to Operate as Contract Carrier in Interstate Commerce.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission
- D. AUTHORITY: U.C.A. 1953, § 54-6-9. A permit is required to operate in interstate commerce as a contract carrier.

03820

- A. NAME OF PERMIT: Special Fuel Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Tax Commission
- D. AUTHORITY: U.C.A. 1953, § 41-11-52, et seq.

Every user of special fuels must apply to the state tax commission for a special fuel permit number and a special fuel vehicle permit for each vehicle propelled by fuel subject to tax under this act.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: None once bond has been paid
- 4. Fee Schedule/Bond: \$1,000

I. NATURE OF APPROVAL:

- 1. Form of Approval: Special fuel vehicle permits will be issued for each vehicle and must be conspicuously posted.
- 2. Duration of Permit: Permits will expire on December 31st of each year.
- 3. Conditions: Permits are not transferable.
- 4. Reviews/Monitoring: Permits may be revoked for noncompliance with the statute.
- 5. Renewal Procedures: Application must be filed each year for a new permit for each motor vehicle operated by a licensed user.

03822

- A. NAME OF PERMIT: Permit for Overweight Vehicle
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Road Commission
- D. AUTHORITY: U.C.A. 1953, § 27-12-151, 154

No vehicle having a gross weight in excess of those permitted in § 27-12-151 shall be driven on any highway without an overweight permit.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application shall specify the load of the vehicle, roads over which vehicle will be operated, and whether the permit is being requested for a single trip or continued operations.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: One day estimate
 - 4. Fee Schedule/bond: Fees are described in § 27-12-154 (2) and (3).
- I. NATURE OF APPROVAL:
 - 3. Conditions: See § 27-12-154 (1) for conditions.

03823

- A. NAME OF PERMIT: Unusual Vehicle Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah Highway Patrol
- D. AUTHORITY: U.C.A. 1953, § 27-12-155

The Utah Highway Patrol may issue a special transportation permit for movement of vehicles which do not comply with the size requirements set forth in § 27-12-149.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicants must file a certificate of insurance evidencing certain coverage as specified in § 27-12-155 (1) (Form PLE-50).
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: One day estimate.
 - 4. Fee Schedule/Bond: \$5.00
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: 96 hours.
 - 3. Conditions: Such permits will specify restrictions and geographical areas under which operations may be accomplished for maximum safety.

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Road Commission or appropriate county commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-3 through -8.

The state road commission or any county commission is authorized to enter into written agreements with any person engaged or to be engaged in industrial development or the development or utilization of natural resources in this state through a natural resource or industrial facility, providing for prepayment of sales or use taxes for improvements to existing state or county roads or the construction of new state or county roads which are necessary to provide access to the areas of said natural resource or industrial facilities, if that person agrees to the prepayment of sales or use taxes as provided in this act to the extent necessary to provide the funds needed to finance the necessary improvements or construction.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The agreements so authorized shall include such assurances as are necessary to provide to the state or the county adequate funds for the payment of all obligations incurred by the state or county for the necessary improvements or construction and for the transfer of funds and all necessary adjustments if the funds prepaid exceed the actual expenditures made for the improvements or construction.

I. NATURE OF APPROVAL:

- 3. Conditions: If the actual expenditures made by the state of Utah or its agencies or political subdivisions for the improvements or construction exceed the amount of prepaid sales and use taxes actually imposed then no refund shall be allowed for the excess amount prepaid as sales or use taxes.

03840

- A. NAME OF PERMIT: Certificate of Public Convenience and Necessity
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Public Service Commission
- D. AUTHORITY: U.C.A. 1953, § 54-4-25. A certificate must be obtained prior to commencing operations, including power plants, water or sewage corporations, railroads, etc.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: possibly 3-4 months before initial PSC hearing
 - 3. Hearing Requirements/Notice: Before Public Service Commission
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: until change in scope of state franchise or operations

03851

- A. NAME OF PERMIT: Airport License
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.20.0
- C. AGENCY: Division of Aeronautics, Department of Development Services
- D. AUTHORITY: U.C.A. 1953, § 2-1-16

Section 2-1-16 states than an airport, landing field, landing strip, air school, flying club, air beacon or other air navigation facility shall not be used or operated unless it is duly licensed.

- F. PRECEDENT PERMITS/EVENTS: Notice of airport construction, alteration, activation, completion and deactivation
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 2 week estimate
 - 4. Fee Schedule/Bond: Annual airport license \$5.00; annual landing field license \$2.00
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Licenses shall be granted whenever they are reasonably necessary for the accomodation and convenience of the public.
 - 3. Conditions: The division may order the closing of any airport until the requirements laid down by the division are fulfilled.

- A. NAME OF PERMIT: Aircraft Landing Permit
- B. APPLICABILITY/DESCRIPTION:
- C. AGENCY: County Commission, Utah, Division of Aeronautics
- D. AUTHORITY: U.C.A. 1953, § 2-1-16.5

This section allows the county commission of any county to issue permits authorizing aircraft to land or take off from designated county roads. Specifically named are air ambulances, pesticide applicators, and aircraft operated by or under contract with public utilities.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant must file with the county commission or aeronautical operations division a certificate of insurance covering the aircraft for liability.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: In addition to the insurance required, either the county commission or the aeronautical division may require the posting of a bond to insure the commission or division against any liability resulting from the issuance of the license.

- A. NAME OF PERMIT: Application for Credit Against Future Rentals-Oil Shale Leases
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Utah State Land Board
- D. AUTHORITY: U.C.A. 1953, §§ 65-1-111 et seq.

State oil shale lessee may apply for credit against future rentals.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applicant must submit the details of a plan for research, experimentation or investigation to develop technology for the economic recovery of fuel substances from oil shale in a format to be prescribed by the Board.
- I. NATURE OF APPROVAL:

- 1. Form of Approval: If the board concludes that the plan submitted is meritorious and calculated to advance oil shale technology, it may agree to participate in the costs of the program submitted by crediting against rentals to become due in the future under any or all oil shale leases held by said lessee such proportion of the total costs of the program as the board shall deem appropriate; provided that, credit shall not be given in an amount which reduces the actual amount payable by the lessee under any oil shale lease to less than fifty cents per acre per year.
- 3. Conditions: Lessees proceeding under a plan approved for state participation shall maintain accurate books and records available for inspection by the board at all reasonable times and shall submit an accounting to the board at the conclusion of the program and at any other times the board requests.

03875

- A. NAME OF PERMIT: Permit for Food Service (Enabling Legislation)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Board of County Commissioners
- D. AUTHORITY: U.C.A. 1953, § 10-8-39

This section gives the Board of County Commissioners the power to license, tax and regulate certain businesses, including, but not limited to restaurants and eating houses.

03965

- A. NAME OF PERMIT: Approval for Waste Water Disposal System
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.20.0
- C. AGENCY: Local Health Department or Health district
- D. AUTHORITY: Local Authority. Approval is required for industrial installations serving less than 50 persons daily using septic tank and absorption systems.

03998

GENERAL NOTES: LOCAL PERMITS -- ALL COUNTIES

Scope of Coverage: See 02998

GENERAL NOTES: ALL COUNTIES -- UTAH

Zoning:

Statutory authority for general county zoning and planning is found in U.C.A. 1953, §§ 17-27-1 et seq. A more specific "Airport Zoning Act," U.C.A. 1953, §§ 2-4-1 et seq., authorizes zoning of uses, building heights, etc., in hazard areas around airports.

Subdivision Control:

A "subdivision" is defined by the Utah statutes as "the division. . . of land into three or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development," excluding, however, divisions of agricultural, commercial, manufacturing or industrial land for agricultural, commercial, manufacturing or industrial purposes, respectively. U.C.A. 1953, § 17-27-27.

Subdivision plats must be recorded. A prerequisite to recordation is the approval of the plat by the board of county commissioners or a designated county officer and by the county planning commission, if one exists. Exempted from the recordation requirements are subdivisions of less than 10 lots if all of the following conditions are met:

(a) The subdivision layout has been approved in writing by the county planning commission;

(b) The subdivision is not traversed by the mapped lines of a proposed street as shown on any official map or maps, and does not require the dedication of any land for street or other public purposes; and

(c) If the subdivision is located within a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from such requirements by the board of adjustment. U.C.A. 1953, § 17-27-21 and § 57-5-3.

Except as noted above, it is illegal to sell or transfer any subdivided lot until the plat has been recorded, U.C.A. 1953, § 17-27-21 and § 57-5-5. Little in the way of standards by which to approve or reject proposed subdivisions is included in the statutes.

- A. NAME OR PERMIT: Prevention of Significant Deterioration (PSD) of Air Quality Permit Program
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Department of Environmental Quality, Administrator of the Division of Air Quality
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7465 (§ 165)
- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Air Quality Standards and Regulations, Proposed Regulations to Prevent Significant Deterioration, § 24 (Draft)

Impact analyses are identified in § 24 and are required to be provided by anyone planning to construct any major emitting facility or modify an existing major emitting facility which may have the potential to cause the issuance of or an increase in the issuance of any air pollutant. These requirements apply only to those pollutants which cause the facility to be a "major emitting facility." Exceptions exist, including a major emitting facility or major modification with respect to emissions from which the owner or operator has shown to be fugitive dust.

H. PROCESSING REQUIREMENTS:

- 5. Appeals: In any case where the owner or operator of a proposed major emitting facility who has been denied a certification demonstrates to the satisfaction of the governor, after notice and public hearing, that a variance is called for, the governor may grant a variance from the maximum allowable increase for sulfur dioxide.

04005

- A. NAME OF PERMIT: Notification of Construction for Source Subject to New Source Performance Standards (NSPS)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Department of Environmental Quality
- D. AUTHORITY: Clean Air Act, 42 U.S.C. § 7411 (§ 111)
(See 01005)
- E. APPLICABLE REGULATIONS/STANDARDS: 40 C.F.R. § 60.4 (ZZ)

04009

- A. NAME OF PERMIT: Non-Attainment Construction Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.30.0
- C. AGENCY: Wyoming Department of Environmental Quality
- D. AUTHORITY: Clean Air Act, 42 U.S.C. §§ 7407, 7053
(§§ 107, 173)
- E. APPLICABLE REGULATIONS/STANDARDS: 43 F.R. 10474
(March 13, 1978)

Sweetwater County contains a non-attainment area. Therefore the permit provisions of § 173 of the Clean Air Act (see 01009) apply. Wyoming must revise its State Implementation Plans prior to January 1, 1979, to reflect changes necessary to meet National Ambient Air Quality Standards in this area by December 31, 1982.

- A. NAME OF PERMIT: Air Quality Permit to Construct or Modify
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Environmental Quality Council, Department of Environmental Quality, Air Quality Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-201, 202

W.S. 1977, § 35-11-201 prohibits any person from discharging any air contaminant so as to cause pollution which violates rules, regulations and standards adopted by the Environmental Quality Council.

W.S. 1977, § 35-11-202 provides that the administrator shall recommend to the director and the Environmental Quality Council such standards and regulations as are necessary to prevent, abate, or control pollution.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Air Quality Standards and Regulations, 1978, § 21

These provide all of the specific emission limitations governing each pollutant. The regulations further require that a permit to construct or modify be obtained prior to commencing construction of any new facility. To obtain the permit to construct, the applicant must demonstrate that the facility will comply with all omission limitations, and its standards, the best available control technology, and prevent the significant deterioration of air quality.

04013

- A. NAME OF PERMIT: Air Quality Permit to Operate
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Air Quality Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, § 35-11-202

The statute authorizes the administrator to promulgate rules and regulations necessary to prevent, abate, or control pollution.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Air Quality Standards and Regulations, 1978.

These require that a permit to operate be obtained within 120 days from start up of the facility. The permit to operate will not be granted unless the facility is complying with the Wyoming Air Quality Standards and Regulations and was constructed or modified in accordance with requirements contained in the permit to construct or modify.

- A. NAME OF PERMIT: Permit to Discharge Waste Water
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-301(a)(i), 302(a)(v)

W.S. 1977, § 35-11-301(a)(1) prohibits any person from discharging any pollution into waters of the state without a permit.

W.S. 1977, § 35-11-302 requires that the Department of Environmental Quality promulgate rules and regulations for effluent standards and limitations specifying maximum amounts of concentrations of pollutions that may be discharged into waters of the state and standards for the issuance of discharge permits pursuant to § 402(b) of the Federal Water Pollution Control Act.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Water Quality Standards and Regulations, 1974, Chapter II, Wyoming Water Quality Standards and Regulations, 1978, Chapter I and Water Quality Rules and Regulations, Chapter VIII (Draft)

These require a permit for the discharge of any waste into waters of the State of Wyoming. The regulations further specify specific effluent limitations governing different pollutants, procedures for the issuance of permits and compliance schedules, and procedures for renewing permits.

04023

- A. NAME OF PERMIT: Permit to Pass Mining Wastes in Waters
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.30.0
- C. AGENCY: Wyoming State Game and Fish Commissioner and the State Engineer
- D. AUTHORITY: W.S. 1977, § 35-4-202

Section 35-4-202 permits the commissioner and engineer to approve plans for construction of a dam for settling purposes, where such project shall be constructed so as to prevent any deleterious substances from entering any waters beyond the project area.

- A. NAME OF PERMIT: Permit to Construct, Install or Modify any Sewage System, Treatment Works, Disposal Works
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-301, 302

W.S. 1977, § 35-11-301 prohibits any person, except when authorized to buy a permit, to construct, install, modify or operate any sewage system, treatment works, disposal system or other facility capable of causing or contributing to pollution.

W.S. 1977, § 35-11-302 authorizes the administrator to recommend rules and regulations and permit systems to establish standards for the issuance of permits for the construction, installation, modification or operation of any sewage system treatment works or disposal system.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Water Quality Rules and Regulations, 1976, Chapter III and Wyoming Water Quality Rules and Regulations, 1978, Chapter V

These provide that a permit to construct be issued prior to commencement of construction of any of the designated facilities. Plans and specifications must be submitted to the Agency and meet minimum standards. The applicant is required to submit the plans and specifications 60 days prior to commencement of construction.

04042

- A. NAME OF PERMIT: Subsurface Discharge Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division
- D. AUTHORITY: Wyoming Environmental Quality Act, W.S. 1977, §§ 35-11-301, 302
- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Water Quality Rules and Regulations, Chapter IX, (Draft)

The regulations provide for the submittal of detailed information concerning any planned subsurface discharge facility, specific analytical techniques to be used on water quality sampling, specific monitoring records, and permit processing procedures.

04043

- A. NAME OF PERMIT: Colorado River Salinity Standards
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Water Quality Division, Department of Environmental Quality
- E. APPLICABLE REGULATIONS/STANDARDS: Chapter VI, Wyoming Department of Environmental Quality Water Quality Rules and Regulations.

The regulations contain the salinity control program of the Colorado River Basin Salinity Control Forum, of which Wyoming is a member.

04046

- A. NAME OF PERMIT: Permit to Construct, Install, Modify or Operate any Public Water Supply
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division
- D. AUTHORITY: Wyoming Environmental Quality Act, W.S. 1977, §§ 35-11-301, 302

W.S. 1977, § 35-11-301(a) and (v) require that no person except when authorized by permit shall construct, install, modify or operate a public water supply.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Water Quality Standards and Regulations, Chapter III

These require the granting of the permit to construct prior to construction of a public water supply. Public water supply is defined as having 10 or more service connections.

- A. NAME OF PERMIT: Permit for Special Process Discharge for IN/SITU Mining (Proposed)
- B. APPLICABILITY/DESCRIPTION: 1,3.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality and Land Quality Divisions
- D. AUTHORITY: Wyoming Environmental Quality Act, W.S. 1977, §§ 35-11-301, 302 and 35-11-401 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Water Quality Rules and Regulations, Chapter X, (Draft) and Land Quality Rules and Regulations, Chapter XIV (Draft)

The regulations are in proposed form and are presently being considered by the Wyoming Environmental Quality Council. They provide for the submission of application information on IN/SITU mining facilities, a description of the operation, a waste control program, and extensive hydrologic testing and monitoring.

- A. NAME OF PERMIT: Notification of Discharge of Oil and Hazardous Substances and Approval of Use of Chemicals and/or Disposal of Oil or Hazardous Substances
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division, Solid Waste Management Office
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-301, 302
- E. APPLICABLE REGULATIONS/STANDARDS: Water Quality Rules and Regulations, 1978, Chapter IV

Chapter IV, Regulations for Discharges of Oil and Hazardous Substances into Waters of the State of Wyoming, § 5, states that any person owning or having control over oil or hazardous substances that are discharged must immediately notify the Water Quality Division of the type, quantity, and location of the discharge, corrective and cleanup actions taken and proposed to be taken. Within seven days following a discharge, a complete written report must be submitted to the Division describing all aspects of the discharge and steps taken to prevent a recurrence. "Waters of the State" are defined as all permanent and intermittent defined drainages and lakes and reservoirs which are used for treatment of municipal, agricultural or industrial waste, and all other bodies of surface or underground water, either public or private, which are wholly or partially within the boundaries of the State.

Section 6 states that no chemicals shall be used to disperse, coagulate or otherwise treat oil or hazardous substances except in emergency situations and in a manner approved by the State and the U.S. Environmental Protection Agency.

Section 7 states that recovered oils, hazardous substances or the contaminated materials resulting from control, treatment and cleanup, shall be handled and disposed of in a manner approved by the Division and the Solid Waste Management Office.

04049

- A. NAME OF PERMIT: Permit to Discharge
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Water Quality Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, § 35-11-302
- E. APPLICABLE REGULATIONS/STANDARDS: Water Quality Rules and Regulations, 1978, Chapter VII

Section 3 states that the owner or operator of an oil and/or gas production facility which discharges produced water which enters or threatens to enter surface waters of the State must apply for a permit to discharge.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application for a permit to discharge must be made by filing with the Department of Environmental Quality an application form entitled "National Pollutant Discharge Elimination System, Application for Permit to Discharge Produced Water -- Modification Short Form C."

- A. NAME OF PERMIT: Solid Waste Disposal Letter of Approval
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Solid Waste Division
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-501, 502

W.S. 1977, § 35-11-502 authorizes the Department of Environmental Quality to require that all new solid waste disposal sites submit to the Agency their proposed plans. It also requires that those plans shall include drawings and specifications in sufficient detail to describe the location, the ground water conditions and other factors. The director may also promulgate regulations specifying performance standards.

- E. APPLICABLE REGULATIONS/STANDARDS: Solid Waste Management Rules and Regulations, 1975

These require that all new and existing solid waste disposal sites submit plans and specifications to the Agency for review. Also specify specific performance standards and inspection requirements. Four copies of the plan are to be filed with the Department of Environmental Quality and a fifth copy filed with a county clerk in the county in which the site will be operated.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The plans shall include drawings, specifications and descriptive information in sufficient detail to fully describe the site.

- H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The director shall consult, advise and approve the site prior to its use.

04089

- A. NAME OF PERMIT: Consent to Obstruct Stream
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Game and Fish Department
- D. AUTHORITY: W.S. 1977, § 23-3-203

Section 23-3-203 prohibits the placing of any net, trout-line or similar obstruction across any river, creek, pond or lake so as to prevent the free passage of fish through the water without the consent of the chief fish warden.

04092

- A. NAME OF PERMIT: License to Take Certain Game and
Predatory Animals
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Game and Fish Department
- D. AUTHORITY: W.S. 1977, §§ 23-3-101 through 104

W.S. 1977, § 23-3-101 prohibits taking of eagles and §§ 102 and 103 prohibits the taking of certain other animals without a license, except that § 23-3-103(a) allows the taking of predatory animals at any time without a license. Sections 23-3-104 et seq. specify that certain coupons must be attached to every carcass killed by a licensee.

04104

- A. NAME OF PERMIT: Designation of Historical Sites
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Recreation Commission
- D. AUTHORITY: National Historic Preservation Act of 1966, 16 U.S.C. §§ 470 et seq.

(See 01104) Powers and duties of the Recreation Commission set forth at W.S. 1977, § 36-4-101 et seq.

04113

- A. NAME OF PERMIT: Permit to Excavate Historic Ruins
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Board of Land Commissioners
- D. AUTHORITY: W.S. 1977, § 36-1-114

Section 36-1-114 specifies that before any excavation on any prehistoric ruins or other archeological and paleontological deposits shall be undertaken, a permit shall first be obtained.

04122

- A. NAME OF PERMIT: Consent to Remove Ruins from State
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Board of Land Commissioners
- D. AUTHORITY: W.S. 1977, § 36-1-115

Section 36-1-115 specifies that no person shall remove from the State of Wyoming any part of any such ruins or deposit except with the consent of the Board.

I. NATURE OF APPROVAL:

- 3. Conditions: The board may require that such ruin shall forever remain the property of the State.

- A. NAME OF PERMIT: Permit to Mine
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Division of Land Quality, Department of Environmental Quality
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, § 35-11-405

Section 35-11-405 defines a mining permit as the certification that the tract of land described therein may be mined by an operator licensed to do so in conformance with an approved reclamation plan.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Land Quality Rules and Regulations, 1977, Chapters I through VIII
- F. PRECEDENT PERMITS/EVENTS: Industrial siting permit.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application shall be made in writing to the Administrator of the Land Quality Division and shall contain the information specified in § 35-11-406(a). Applications shall also include a reclamation plan described in § 35-11-406(b). A copy of the reclamation plan shall be filed by the applicant for public inspection at the office of the Administrator and in the offices of the county clerks of the counties in which the permit area is located.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The Administrator shall notify the applicant within 90 days of its submission as to its completeness.
 - 3. Hearing Requirements/Notice: The applicant shall cause notice of the application to be published once a week for 4 consecutive weeks commencing within 15 days after filing of the completed application. A copy of the notice shall be mailed by applicant within 5 days after the first publication to all owners of record of the surface and mineral rights of the land and others as described in § 35-11-406(f). Any interested person has the right to file written objections with the administrator within 20 days

after the last publication of the above notice. If written objections are filed, a public hearing shall be held within 20 days after the final date for filing objections, and notice of such hearing shall also be published, pursuant to § 35-11-406(g). The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act, §§ 9-4-101 to 9-4-115, with right of judicial review.

The administrator shall render a decision on the application within 30 days after completion of the notice period if the application is not protested; otherwise, the council shall issue findings of fact and a decision within 60 days after the final hearing.

4. Fee Schedule/Bond: A minimum fee of \$100.00 plus \$10.00 per acre for each acre in the requested permit, with the maximum fee of \$2,000.00, must accompany the application.

I. NATURE OF APPROVAL:

1. Form of Approval: The permit shall be granted if it is established that the application complies with the requirements of this act and all applicable federal and state laws.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: License to Mine

- A. NAME OF PERMIT: Annual Report of Mining Operator Affecting Fewer than Ten Acres
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Division of Land Quality, Department of Environmental Quality
- D. AUTHORITY: W.S. 1977, § 35-11-401

This section specifies that an operation of a mining operation, whether commercial surface or non-commercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale ballast or feldspar from an area of ten acres or less of affected land must file an annual report with the Administrator on or within thirty days prior to the anniversary date of the commencement of initial operations.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The report shall contain the following information: the name and address of the operator; the location of the mining operations; the number of acres of affected lands at the conclusion of the past year; the number of acres of land that have been reclaimed during the past year; the number of yards of overburden or mined mineral removed; the expected remaining life of the mining operation.

- A. NAME OF PERMIT: License to Mine
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Land Quality Division, Department of Environmental Quality
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, § 35-11-410

Section 35-11-410 specifies that no mining operation may be commenced or conducted without a license to mine. A license is required for each mining operation for which a separate mining permit is issued.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Land Quality Rules and Regulations, 1977, Chapters I through VIII
- F. PRECEDENT PERMITS/EVENTS: Permit to Mine
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application shall include information on the project as described in § 35-11-410(b).
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The administrator shall promptly review the license application.
 - 4. Fee Schedule/Bond: Application fee is \$25.00; the administrator shall determine the size of the bond to be posted for the purpose of insuring the reclamation of the lands affected during the first year of operation.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: The license is issued for the duration of the mining operation.

04259

- A. NAME OF PERMIT: Annual Report of Mining
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality
- D. AUTHORITY: W.S. 1977, § 35-11-411

Annual report must be made within 30 days of anniversary date of permit to mine. (See 04253)

- A. NAME OF PERMIT: License to Explore by Dozing
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Department of Environmental Quality, Land Quality Division.
- D. AUTHORITY: Environmental Quality Act, W.S. 1977, §§ 35-11-413, 414.

W.S. 1977, § 35-11-413 provides that a special license to explore by dozing may be issued by the administrator of the land quality division for one year periods without a permit to mine.

W.S. 1977, § 35-11-414 provides that a license to explore by dozing shall be issued requiring reclamation of the area affected by the exploration and for the posting of a bond to cover costs of reclamation.

- E. APPLICABLE REGULATIONS/STANDARDS: Wyoming Land Quality Rules and Regulations, 1977, Chapters I through VIII

These require that a license to explore by doing be obtained prior to any exploration activity in which earth moving equipment is used, and provides that the contents of the application include maps and reclamation plans. It also provides the procedures for license issuance and renewal.

- H. PROCESSING REQUIREMENTS:

- 4. Fee Schedule/Bond: \$25.00 fee; bond to insure reclamation as established by the Administrator.

- I. NATURE OF APPROVAL:

- 2. Duration of Permit: One year only for special license. A permit is required for larger periods.
 - 3. Conditions: Land must be reclaimed after completion of the exploration. Failure to comply with conditions may result in forfeiture of the bond.

04262

- A. NAME OF PERMIT: Notice of Commencement of Mining Operations
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Inspector of Mines
- D. AUTHORITY: W.S. 1977, § 30-2-317

Section 30-2-317 specifies that within 30 days after the commencement of any mining operations the owner or operator shall notify the Inspector of Mines of the date and place of commencement.

04263

- A. NAME OF PERMIT: Notification of Change of Ownership of Mining Property
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Inspector of Mines
- D. AUTHORITY: W.S. 1977, § 30-2-316

Section 30-2-316 specifies that the inspector of mines shall be informed promptly of any change in the name, ownership or operator of any mining property.

04264

- A. NAME OF PERMIT: Notification of Abandonment of Mine
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Inspector of Mines, State of Wyoming
- D. AUTHORITY: W.S. 1977, § 30-2-314

Section 30-2-314 specifies that the Inspector of Mines shall be notified of the intention to abandon or indefinitely close any underground working.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Notification must be made far enough in advance of the abandonment that a final inspection may be made.
- I. NATURE OF APPROVAL:
 - 3. Conditions: The owner shall effectively close or fence off all surface openings through which persons or animals could fall or enter.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Within 30 days after abandonment or closing down the owner or operator shall file with the inspector a map showing all pertinent data.

04270

- A. NAME OF PERMIT: Notification of Accidents
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Inspector of Mines
- D. AUTHORITY: W.S. 1977, § 30-4-206

Section 30-4-206 specifies that in the case of loss of life or accident serious enough to cause the injured party to stop working and to be under the care of a physician for 30 consecutive days, the owner or operator of a mine shall give notice to the inspector of mines.

I. NATURE OF APPROVAL:

- 1. Form of Approval: The inspector shall investigate, ascertain the cause, and make a report which shall be on file in his office.

04271

- A. NAME OF PERMIT: Permit to Drill Oil or Gas Well
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.30.0
- C. AGENCY: Oil and Gas Commission
- D. AUTHORITY: W.S. 1977, § 30-5-115

This section specifies that a person desiring to drill a well in search of oil or gas shall notify the Commission, and obtain a permit before drilling.

H. PROCESSING REQUIREMENTS:

- 4. Fee Schedule/Bond: \$25.00 for each well.

I. NATURE OF APPROVAL:

- 1. Form of Approval: The commission shall promptly issue a permit to drill unless the drilling is contrary to law or a regulation of the commission.

04313

- A. NAME OF PERMIT: Purchase of Explosive Materials
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State of Wyoming
- D. AUTHORITY: W.S. 1977, § 35-16-102

Any nonlicensee or nonpermittee who is a resident of the State of Wyoming and who uses explosive materials in the conduct of business may lawfully purchase explosive materials from a licensee of a state contiguous to the State of Wyoming and may transport, ship or receive any such explosive materials if the requirements of 26 C.F.R. § 181.26.

- A. NAME OF PERMIT: Industrial Siting Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Industrial Siting Council and Industrial Siting Administration
- D. AUTHORITY: Industrial Development and Siting Act, W.S. 1977, § 35-12-101 et seq.

The Industrial Development and Siting Act defines industrial facilities, § 35-12-102(iii), as including certain energy generating and conversion plants, and specifies that no person shall commence to construct a facility without first having obtained a permit issued by the council, if the size limits provided for in the statute (§ 35-12-102), which establishes a threshold "construction cost" of \$50,000,000, adjusted annually for changes in costs indicated by construction cost indices. A two-step permitting process is included, involving a short review process for industrial facilities which will cause minimum impact. Further study and hearings are required if the facility provides a threat of serious injury to the socio-economic or environmental conditions of the existing inhabitants. The statute provides jurisdiction over environmental and socio-economic impact.

- E. APPLICABLE REGULATIONS/STANDARDS: Industrial Development Information and Siting Rules and Regulations, Chapter I.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Whenever an applicant applies for a permit for a facility which requires the use of the water of the state, the applicant shall prepare and submit to the state engineer a water supply and water yield analysis with a request for an opinion as to the quantity of water available for the proposed facility pursuant to § 35-12-107.

The application for permit shall include the information set forth in § 35-12-108.

- H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: The Director shall, not less than 20 nor more than 30 days following receipt of an application, serve notice and conduct hearings

as specified in § 35-12-109. The council shall make its initial determination within 60 days of the public hearings.

4. Fee Schedule/Bond: An initial fee shall be paid at the time of filing the application based on the estimated cost of processing the application, not to exceed one-half of one percent of the estimated cost of the facility or \$100,000.00, whichever is less. Unused fees shall be returned to the applicant (§ 35-12-108(6)). Additional fees will be charged if additional study is required (§ 35-12-110(a)).
5. Appeals: Any party to the permit proceeding as defined in § 35-12-112, aggrieved by the final decision of the council may obtain judicial review by the filing of a petition in the appropriate state district court, as described in § 35-12-115.

I. NATURE OF APPROVAL:

1. Form of Approval: The initial determination shall be one of the following actions: approval of application and issuance of permit with no conditions; approval of application and issuance of permit conditioned upon commencement of construction at a reasonable time; approval of application and issuance of permit conditioned upon specified changes in the application; or rejection of application pending further study. Before commencing additional study the director shall prepare and review with the applicant a study design within 30 days after the initial decision. § 35-12-111 details possible areas of further study.

The council shall approve a permit based on those factors set forth in § 35-12-114.

4. Reviews/Monitoring: The council shall have authority for monitoring the facility to prevent noncompliance with the Act.

04363

- A. NAME OF PERMIT: Industrial Siting Certificate of Insufficient Jurisdiction
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Industrial Siting Council and Industrial Siting Administration
- D. AUTHORITY: Wyoming Industrial Development and Siting Act, W.S. 1977, §§ 35-12-101 et seq. (See 04360)
- E. APPLICABLE REGULATIONS/STANDARDS: Industrial Development, Information and Siting Rules and Regulations, Chapter I

Section 3 of the Rules and Regulations provides that if the operator of an industrial facility believes that the facility is not subject to the jurisdiction of the Wyoming Industrial Development and Siting Act due to its low production or generating capacity, he may apply for a certificate of insufficient jurisdiction which will be issued by the Council following a hearing and decision that the construction costs of the facility are not sufficient to subject the facility to jurisdiction of the Council or that the facility does not fall within the specific definition of energy generating or conversion plants found in the Act.

04401

- A. NAME OF PERMIT: Right-of-Way Across State Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.6
- C. AGENCY: Board of Land Commissioners
- D. AUTHORITY: W.S. 1977, § 36-9-118. The board may grant permanent rights-of-way or easements across any portion of school or state lands, for any ditch, reservoir, railroad, public highway, telephone and telegraph line, or other public conveyance.

04420

- A. NAME OF PERMIT: Mineral Lease
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.6
- C. AGENCY: Board of Land Commissioners
- D. AUTHORITY: W.S. 1977, § 36-6-101 et seq. State or state school lands may be leased for a period of up to 10 years for the purpose of development of minerals.
- I. NATURE OF APPROVAL:
 - 1. Duration Of Permit: Up to 10 years, with renewal preference right for successive 10 year periods so long as the mineral produces in payable quantities.

04435

- A. NAME OF PERMIT: Lease of County, City, Town or School District Lands
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.6
- C. AGENCY: Applicable governing body
- D. AUTHORITY: W.S. 1977, § 36-6-201. The governing body of any county, city, town or school district which is authorized to hold real property may lease any such property for exploration and development of oil, gas or other hydrocarbons. Such activities may not interfere with public use of the land so leased.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Up to 10 years, and can be extended so long as paying quantities are produced.

04473

- A. NAME OF PERMIT: Rights-of-Way for Oil and Gas Companies.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.5.30.6
- C. AGENCY: State Commission of Public Lands; County Clerk.
- D. AUTHORITY: W.S. 1977, § 37-9-204 (See 04488). The same rights granted to railroad companies are granted to oil and gas companies for pipelines.

- A. NAME OF PERMIT: Railroad Right-of-Way over State Lands.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.3.30.6
- C. AGENCY: State Commissioner of Public Lands; County Clerk.
- D. AUTHORITY: W.S. 1977, § 37-9-201. A railroad may obtain a right-of-way as a matter of right, over any state lands. The right-of-way may be up to 200 feet wide, and 20 acres for each 12 mile section of track may be taken for construction of stations, depot grounds, machine shops, turnouts, sidetracks, warehouses, etc.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee schedule/Bond: \$10 per acre for land used for stations, etc.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: perpetual right-of-way and transfer in fee simple of land for station, etc.

- A. NAME OF PERMIT: Permit for Appropriation and/or Well
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Engineer
- D. AUTHORITY: W.S. 1977, § 41-4-501

Any person, association or corporation hereafter intending to acquire the right to the beneficial use of the public water of the State of Wyoming shall, before commencing the construction, enlargement or extension of any ditch, canal, or other distributing works, or performing any work in connection with said construction, or proposed appropriation, make an application to the State Engineer for a permit to make such appropriation.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application must set forth the name and post office address of the applicant, the source of the water supply, the nature of the proposed use, the location and description of the proposed ditch, canal or other work, the time within which it is proposed to begin construction, the time required for completion of construction and the time required for the complete application of the water to the proposed use.

04731

- A. NAME OF PERMIT: Permit for Change of Use or Place of Use of Water Right
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Board of Control
- D. AUTHORITY: W.S. 1977, § 41-3-104

Section 41-3-104 states that when an owner of a water right wishes to change a water right from its present use, or from the place of use under the existing right to a new place of use, he shall file a petition requesting permission to make such a change.

- E. APPLICABLE REGULATIONS/STANDARDS: Rules and Regulations of State Engineer.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The petition shall set forth all pertinent facts about the existing use and the proposed change in use or all pertinent information about the existing place of use and the proposed place of use.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: The Board may require that an advertised public hearing or hearings be held at the petitioner's expense.
- I. NATURE OF APPROVAL:
 - 3. Conditions: The change in use, or place of use, may be allowed, provided that the quantity of water transferred by the granting of the petition shall not exceed the amount of water historically diverted under the existing use, nor exceed the historic rate of diversion under the existing use, nor decrease the historic amount of return flow, nor in any manner injure other existing lawful appropriators.

- A. NAME OF PERMIT: Petition to Change Point of Diversion
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Engineer or Board of Control
- D. AUTHORITY: W.S. 1977, § 41-3-114

Any person, association or corporation having heretofore acquired a right to the beneficial use of the water of any stream in the State of Wyoming, either adjudicated or unadjudicated, who desires to change the point of diversion of his or their appropriation or the point of diversion and means of conveyance of such appropriation, shall petition therefor to the State Board of Control if the water right has been adjudicated, or to the State Engineer if the water right is unadjudicated.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Petitions for change in point of diversion shall be in affidavit form and shall set forth the name and address of the petitioner, the name of the ditch, pipeline, or other facility, the stream from which water is appropriated, the date of priority and the amount of the appropriation to be changed, permit number, ownership of appropriation, and the location of the present and the proposed new point of diversion by course and distance from a corner of the public land survey. The petition shall be accompanied by satisfactory evidence of ownership. Additional information might include the name, permit number and date of priority of the ditch or facility to which it is to be changed, and whether the petitioner is the sole owner of both facilities involved or has the consent of the other owners of both ditches or facilities. Maps, in duplicate, must also be furnished.

H. PROCESSING REQUIREMENTS:

- 3. Hearing Requirements/Notice: If written consents are not attached to the petition, the petition shall be referred to the superintendent of the water division in which the change is proposed for a public hearing.

- A. NAME OF PERMIT: Approval of Exchange of Water
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Engineer
- D. AUTHORITY: W.S. 1977, § 41-3-106

Section 41-3-106 states that any appropriator owning a valid water right in and to the use of the ground, surface or reservoir waters of the state, where the source of the appropriation is at times insufficient to fully satisfy such appropriation, or better conservation or utilization of the state's water can be accomplished, or the appropriator can develop appropriable water but cannot economically convey it to its point of use, may petition the state engineer for an order allowing an exchange and the use of stored, direct flow, or ground water from another source. If such an appropriator arranges by agreement with another appropriator for the delivery and use of either stored, direct flow, or ground water from another source, the exchange agreement shall accompany the petition.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Petitions for exchanges shall be accompanied by such maps, plans or other information as may be required by the state engineer.

04736

- A. NAME OF PERMIT: Supplemental Water Right Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: State Engineer or Board of Control
- D. AUTHORITY: W.S. 1977, § 41-3-113

A supplemental water right is defined as a permit or certificate of appropriation for the diversion, from a stream, of water from a new source of supply for application to lands for which an appropriation of water from a primary source already exists. Such supplemental supply permits or certificates of appropriation may be allowed by the State Engineer or the State Board of Control under such regulations or conditions as he or it may prescribe.

I. NATURE OF APPROVAL:

- 3. Conditions: The total amount of water to be diverted at any one time both under a primary appropriation of water and a supplemental supply appropriation shall not be in excess of one cubic foot of water per second for each 70 acre tract so irrigated.

04739

- A. NAME OF PERMIT: Prohibited Use of Water Outside State
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.10,20.0
- C. AGENCY: Board of Control
- D. AUTHORITY: W.S. 1977, § 41-3-105

Section 41-3-105 states that no use of State waters outside the State of Wyoming, except water already allocated to other states, shall be granted without prior consent of the legislature.

04740

- A. NAME OF PERMIT: Permit to Construct Water Reservoir
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.2.30.0
- C. AGENCY: State Engineer or Board of Control
- D. AUTHORITY: W.S. 1977, § 47-3-301

Any person, corporation, association, or organization, of any nature whatsoever, hereafter intending to store or impound, for beneficial uses, any of the unappropriated waters of the State of Wyoming, shall, before commencing construction of any works for such purpose, or performing any work in connection with said proposed construction, make an application to the state engineer, for a permit to construct a reservoir.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The application must set forth the name and post office address of the applicant, the source of water supply, the nature of the proposed use, the location and description of the proposed work, the time within which it is proposed to begin construction, and the time required for the completion of construction. Maps and plans meeting specifications of § 41-4-510 must also be submitted.

04811

- A. NAME OF PERMIT: Motor Carrier Registration
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: W.S. 1977, § 37-8-122. The commission shall grant registration without hearing, upon payment of a registration fee by the applicant. No person may operate as a motor carrier in interstate commerce without registering.
- E. NATURE OF APPROVAL:
 - 2. Duration of Permit; 1 year, renewable in Jan.-Feb. (§ 37-8-124).

04812

- A. NAME OF PERMIT: Certificate of Convenience and necessity-Common Carriers.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: W.S. 1977, § 37-8-201 et seq. A certificate is required to operate as a common carrier.
- E. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: in writing; information per § 37-8-203.
- F. NATURE OF APPROVAL:
 - 1. Form of Approval: certificate and identification card and plate.
 - 2. Duration of Permit: 1 year-may be renewed annually.
 - 3. Conditions: as imposed by the Commission.

04813

- A. NAME OF PERMIT: Permit for Contract Carrier.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: W.S. 1977, § 37-8-301 et seq.
- F. PROCESSING REQUIREMENTS:
 - 2. Hearing Requirements/Notice: Notice and hearing are required if it appears that the purpose of the application is to unduly compete with another carrier.
- G. NATURE OF APPROVAL:
 - 2. Duration of Permit: 1 year-may renew annually

04814

- A. NAME OF PERMIT: Permit for Private Motor Carrier.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: W.S. 1977, § 37-8-306. A permit, with annual renewal and payment of fee, is required. Amount of fee is set forth at W.S. 1977, § 37-8-401 et seq.

04815

- A. NAME OF PERMIT: Certificate of Convenience and Necessity for Public Utility
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.7.30.0
- C. AGENCY: Public Service Commission.
- D. AUTHORITY: W.S. 1977, § 37-2-205. A certificate is required before any public utility may extend or begin construction of a line, plant or system.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: Notice and hearing are required prior to construction of an electric transmission line of 230 KV or greater. Notice of hearing must be given at least 30 days prior to the hearing.

04960

- A. NAME OF PERMIT: Approval of Building Construction Plans
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.30.0
- C. AGENCY: Wyoming Department of Fire Prevention and Electrical Safety
- D. AUTHORITY: W.S. 1977, §§ 35-9-116, 121(b)

Plans for all buildings must be reviewed by the State Fire Marshall or municipalities or counties which have been delegated such responsibility under § 35-9-121(b). Such review is to determine compliance with fire safety requirements and energy efficiency.

The State Fire Marshall may inspect buildings within the jurisdiction of a county or municipality undertaking such control.

04998

GENERAL NOTES: LOCAL PERMITS -- ALL COUNTIES

Scope of Coverage: See 02998

GENERAL NOTES: ALL COUNTIES - WYOMING

Zoning:

General purpose county zoning is authorized by W.S. 1977, §§ 18-5-201 et seq. Sections 18-5-101 et seq. authorize zoning for the specific purpose of regulating sanitary facilities, but this is little used.

Section 18-5-201 states that "no zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto." This statute is intended to establish state preemption of local regulation in the area of mineral development, but the extent of that preemption is uncertain. Most likely, local regulation of new housing and related community development occasioned by mineral development has not been preempted. Less clear is the status of post-extraction, on-site processing or refining of minerals. And even with regard to clearly extractive or productive activity, it is not clear that local regulation to assure protection of the environment or surrounding uses is preempted so long as the conditions imposed do not actually prevent mining.

Subdivision Control:

W.S. 1977, §§ 18-5-301 et seq. mandate county regulation of subdivisions. All the counties reviewed have adopted subdivision regulations which, except as indicated in the individual county notes, conform to the general statutory scheme outlined below.

A subdivision permit is required for all subdivisions (§ 18-5-304). A "subdivision" is defined as a division of any land into 3 or more parcels "for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public purposes," including mobile home courts (§ 18-5-302(a)(vii)). "Sale" includes "sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing" (§ 18-5-302(a)(vi)). Section 18-5-303 established several exemptions, the most relevant of which is "the sale of land where the parcels involved in the sale are thirty-five acres or larger."

Section 18-5-306 imposes minimum requirements for subdivision permits. Section 18-5-315 permits counties to impose more, but not less, restrictive requirements on subdivisions. It is unlikely, though not clear, that this permission related only to § 18-5-306 requirements and not to § 18-5-303 exemptions from the basic coverage of the Real Estate Subdivision Act - hence the uncertain validity of the attempt by some counties to regulate subdivisions of land into parcels of more than 35 acres.

As applied to the types of development contemplated by this study, the Act contains several ambiguities. What is a division of land "for purposes of building development" where no "sale" is contemplated? (E.g., would a complex of projected mining-related structures intended to remain under single ownership and possession constitute a "subdivision"?) Is mining an "industrial use" falling within the scope of the Act? Is mineral processing and refining such a use? What is the legal effect of Sublette County's addition of "other non-agricultural uses" to the scope of application of its subdivision resolution? Has the State intended to preempt local subdivision control of mining activity, even though § 18-5-201 (discussed in the previous section) on its face refers only to zoning? The only clear case of subdivision control applicability is residential and related community development where individual units are to be sold or rented to a variety of persons or entities.

Sanitation Facilities:

Zoning and/or subdivision resolutions in the five Wyoming counties reviewed provide that satisfactory water, sewage and other sanitary facilities and systems are required for issuance of the appropriate zoning or subdivision permit (where such a permit system is in existence), but no county appears to have set its own standards for such facilities and systems. Connection into existing systems is encouraged where feasible. Private systems (e.g., wells and septic tanks) and new community systems must meet the standards and requirements of the appropriate state agencies, including the State of Wyoming Health Department and/or the Wyoming Department of Environmental Quality. In short, local approval is dependent upon state approval.

05057

- A. NAME OF PERMIT: County Designation of Waste Disposal Site
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11.0
- C. AGENCY: Board of County Commissioners of Delta County
- D. AUTHORITY: C.R.S. 1973, § 30-20-102
(See 02057)
- E. APPLICABLE REGULATIONS/STANDARDS: 6 CCR 1007-2

05360

- A. NAME OF PERMIT: Permit to Develop in Designated Area of State Interest
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11.0
- C. AGENCY: Board of County Commissioners or Designee
- D. AUTHORITY: C.R.S. 1973, §§ 24-65.1-101 through 502 (HB 1041)

(See 02360)
- E. APPLICABLE REGULATIONS/STANDARDS: Resolution Regarding Delta County's 1041 Program and Designation of Areas and Activities of State Interest That Presently Exist in Delta County (1976)

05960

- A. NAME OF PERMIT: Electrical Inspection
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11.0
- D. AUTHORITY: C.R.S. 1973, § 12-23-116 (See 02960 and 05999)
- E. APPLICABLE REGULATIONS/STANDARDS: Delta County has not yet assumed authority, since it had no building code as of September 1978. Such a code is being developed at this time.

- A. NAME OF PERMIT: Mobile Home Parks, Delta County, Colorado
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11.0
- C. AGENCY: Planning Commission, Board of County Commissioners of Delta County
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101, 133, 136 and 137 (Senate Bill 35)

These regulations shall apply to all new Mobile Home Parks within the jurisdiction stated in paragraph 1-3 that are developed after the date on which they are formally adopted by the Board of County Commissioners of Delta County. They are also applicable for the expansion of any existing Mobile Home Park or in situations where additional Mobile Homes are to be placed on a piece of property and the final total number of Mobile Homes will be three or more.

- E. APPLICABLE REGULATIONS/STANDARDS: Mobile Home Park Regulations for Delta County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Sketch Plan 3.1, 4.1 Preliminary Plan 3-2, 5 Final Plan 3-4, 6. The following summarizes final plan procedures. Final Plan should be submitted to Planning Office.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: seven copies of plan
 - 3. Hearing Requirements/Notice: reviewed by planning commission at regularly scheduled meeting, passed on to Board
 - 4. Fee Schedule/Bond: fees established by Board of County Planning Office
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: consent of Board

05993

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.11.0
- C. AGENCY: Board of County Commissioners, Planning Commission
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101, 133, 136 and 137 (Senate Bill 35)
- E. APPLICABLE REGULATIONS/STANDARDS: County Subdivision Regulations of Delta County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Sketch Plan Sections 37; Preliminary Plan Sections 48; Final Plan, Sections 5, 8(B), 9. The following summarizes final plan procedures.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: six copies of a map, two prints of the final plat
 - 2. Staff Review Time: Final plats should be submitted within eighteen (18) months of a preliminary plat. Board will act within 35 days. Failure to act shall be deemed favorable
 - 3. Hearing Requirements/Notice: regularly scheduled meeting of the Board
 - 4. Fee Schedule/Bond: recording fee, basic fee of \$100.00, and an additional \$10.00 for each lot in excess of the first five
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board, endorsement on final plat

05997

ZONING MATRIX

County: DELTA

State: COLORADO

A new county zoning ordinance is being printed at
this time.

GENERAL NOTES: DELTA COUNTY

Relevant Documents:

- Subdivision Regulations (1972, as amended).
- Mobile Home Park Regulations (1975).
- "A Resolution to Establish a Procedure for Administration of Areas and Activities of State Interest that May Occur in Delta County, Colorado" (1976).
- "Resolution Regarding Delta County's 1041 Program and Designation of Areas and Activities of State Interest that Presently Exist in Delta County" (1976).
- (The county has no zoning, but is in the early stages of formulating a point-based development permit system. The county has no building code but is in the process of adopting one; when it has done this, it will probably accept a delegation of inspection responsibility under the state electrical code from the state inspector).

HB 1041:

Procedures for designation of areas or activities of state interest and, after designation, issuance of permits therefor are described in the "House Bill 1041" permit description, applicable to all Colorado counties. Although Delta County has yet to actually designate any such area or activity, the two resolutions referenced above establish procedures, looking toward such designation, which are relevant to the present study.

The "Resolution to Establish a Procedure . . ." requires that anyone contemplating development in any of the HB 1041 "areas" of state interest or characterized as any of the HB 1041 "activities" of state interest submit a letter of intent to the Board of County Commissioners. This letter is to contain information summarized as follows: (1) description of the proposed development; (2) location and extent of the development; (3) names and addresses of land owners and renters if any; (4) details on development size and schedule;

- (5) anticipated employment and hiring schedule;
- (6) description of possible adverse effects and proposed mitigating factors; and (7) other helpful information.

Advanced consultation with the Planning Department regarding location of areas of state interest is encouraged. No development requiring a letter of intent is permitted until adequate information has been submitted to and reviewed by the County Commissioners, who may elect to hold a 1041 public hearing. Possible designation of the proposed development as affecting an area or being an activity of state interest is clearly envisioned.

The "Resolution Regarding Delta County's 1041 Program . . ." resolves to continue searching, with the assistance of citizen advisory groups, for areas or activities suitable for 1041 designation, with special emphasis on mineral resources and natural hazard areas.

Mobile Homes:

Mobile home subdivisions (multiple ownership--individual lots sold) are governed by the regular Subdivision Regulations. Mobile home parks (single ownership--individual lots leased) are governed by the separate Mobile Home Park Regulations. These latter Regulations establish review procedures and design standards similar in format to subdivision control but geared more specifically to mobile homes.

Public Land Jurisdiction:

Both the Subdivision and the Mobile Home Park Regulations assert jurisdiction only over privately owned lands. The county Development Coordinator has stated orally that such jurisdiction would also be asserted over publicly owned lands where a major private mineral development or related community development was contemplated. The legality of this, at least until the Regulations are amended, may be questioned. (The HB 1041 Resolutions are not jurisdictionally limited in this matter).

06251

- A. NAME OF PERMIT: Conditional Use Permit for Industrial Operations
- B. APPLICABILITY: 0.0.0.0.0.0.12.0
- C. AGENCY: Garfield County Board of County Commissioners
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Garfield County Zoning Resolution
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Permit applications are governed by § 7.01 and 7.02. In addition, applications must include two copies of an impact statement as described in § 4.03.07, attached, and shall fulfill the requirements enumerated therein and in § 4.03. The industrial operation must further comply with applicable county, state and federal regulations concerning water, air and noise pollution, as described in § 4.03.08.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Ten working days
 - 4. Fee Schedule/Bond: \$25.00
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: An instrumentive writing issued by the Building official permitting a specific use of lands and setting forth conditions to which such use is subject.
 - 2. Duration of Permit: 120 days from date of issuance thereof unless construction or use has commenced thereunder.
 - 4. Reviews/Monitoring:
 - 5. Renewal Procedures: The County Commissioners may extend the expiration date of any permit.

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.12.0
- C. AGENCY: Garfield County Commissioners, Planning Commission
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101, 133, 136 and 137 (Senate Bill 35)
- E. APPLICABLE REGULATIONS/STANDARDS: Garfield County Zoning Resolution, 8.00
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Each application for amendment shall be in the form of a written request to the County Commissioners identifying the applicant and clearly stating the nature of the proposed amendment and reasons in support of such change.

Application for change in Zone District, Agricultural/Residential/Cluster and Planned Unit Development shall be accompanied by the Zone District Map of the subject property showing the property proposed for change, the use and owners of record of adjacent property and any other information which may be noted thereon to explain the proposed amendments.

Application for an Agricultural/Residential/Cluster shall also be accompanied by a subdivision plan of the sketch plan level as provided under the Subdivision Regulation of Garfield County, Colorado for the portion of the Cluster district proposed for greenbelt indicated as such.

Application for a Planned Unit Development shall also be accompanied by a general development plan indicating the several zone district designations requested.

H. PROCESSING REQUIREMENTS:

- 2. Staff Review Time: The Planning Commission shall report its approval, disapproval, or recommendation to the County Commissioners within thirty days of such referral of the proposed amendment by the County Commissioners except as stated in Section 14.-9.01 of the Planned Unit Development Amendment to the Garfield County Zoning Resolution.

3. Hearing Requirements/Notice: The County Commissioners shall hold a public hearing thereon, at least thirty days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the County in which the property affected by the amendment is located. Notice of such public hearing is to be mailed at least five days prior to such hearing to all owners of record or property adjacent to the lot or lots subject to the proposed amendment.
4. Fee Schedule/Bond: For proposed amendments to the official zoning map a fee of one hundred dollars (\$100.00) shall be charged to the applicant to cover the costs of processing.

I. NATURE OF APPROVAL:

1. Form of Approval: Approved amendments to the Zone District shall be promptly entered on the appropriate sheet of the Zone District Map of Garfield County and Agricultural/Residential/Clusters and Planned Unit Development shall be labelled as such. One copy of each approved application shall be retained in the records of the Building Official to insure that development proceeds, in conformance with the approved plans.

06991

- A. NAME OF PERMIT: Conditional Use (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.12.0
- C. AGENCY: Garfield County Commissioners, Building Official
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111 through 127
- E. APPLICABLE REGULATIONS/STANDARDS: Garfield County Zoning Resolution 4.03, 7.02.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Shall consist of all information required of an application for a permit (See § 7.01) and subject to all administrative procedures thereof plus: supporting information; plans; letters of approval from responsible agencies; and other information to satisfy requirements listed under Conditional and Special Uses in the Supplementary Regulations.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 10 working days
 - 5. Appeals: Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by his inability to obtain a permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Resolution. Appeals may be taken by any officer, department, board of the county affected by the grant or refusal of a permit or by the other decision of any administrative officer or agency based on or made in the course of the administration or enforcement of this Resolution. Appeals to the Board must be made in writing and filed with the Board within seven days of the action or decision appealed.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Approval of Building Official
 - 2. Duration of Permit: 120 days from the issuance of the permit

5. Renewal Procedures: The county commissioners may extend the expiration date

K. SPECIFIC REQUIREMENTS: For additional specific requirements for certain uses, see 4.03.01.

- A. NAME OF PERMIT: Special Use (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.12.0
- C. AGENCY: Garfield County Commissioners, Building Official
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111 through 127
- E. APPLICABLE REGULATIONS/STANDARDS: Garfield County Zoning Resolution 4.03
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Shall consist of all information required of an application for a permit (See 7.01) and subject to all administrative procedures thereof plus: (1) supporting information, plans, letters of approval from responsible agencies and other information to satisfy requirements listed under Conditional and Special Uses in the Supplementary Regulations; (2) a vicinity map drawn to scale the subject property, location of roads providing access to the subject property, location and use of buildings and structures on adjacent lots and the names of owners of record of such lots; and (3) a letter to the County Commissioners from the applicant explaining in detail the nature and character of the Special Use requested.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Hearings shall be held no later than thirty (30) days following the receipt of the Special Use permit application and the recommendation of the Building Official in accordance with the following shall approve or deny the permit application and notify the applicant of its decision, in writing, within fifteen days following the Public Hearing.
 - 3. Hearing Requirements/Notice: Hearings held in regard to Special Use shall be conducted as a public hearing advertising as follows: notice including the name of the applicant, description of the subject lot, a description of the proposed Special Use and the time and place for the hearing shall be given in a newspaper of general circulation in that portion of the County in which the subject property is located at least fifteen days prior to such hearing time and

proof of publication shall be presented at hearing; notice containing information as described under paragraph (a) above, shall be mailed to all owners of record of lots adjacent to the subject lot at least five days prior to such hearing time by registered return receipt mail, and receipts shall be presented at hearing.

4. Fee Schedule/Bond: A fee of Twenty-Five Dollars (\$25.00) shall be charged for each application; with the exception of uses as industrial operations as defined in Section 4.03.07 of the Zoning Resolution of Garfield County a fee of Five Hundred Dollars (\$500.00) shall be charged for each application as included in industrial operation.
5. Appeals: Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by his inability to obtain a permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Resolution. Appeals may be taken by any officer, department, board of the county affected by the grant or refusal of a permit or by the other decision of any administrative officer or agency based on or made in the course of the administrative or enforcement of this Resolution. Appeals to the Board must be made in writing and filed with the Board within seven days of the action or decision appealed.

I. NATURE OF APPROVAL:

1. Form of Approval: The concurring vote of the majority of the County Commissioners shall be necessary to decide in favor of the appellant.
2. Duration of Permit: 120 days from the issuance of the permit.
5. Renewal Procedures: The County Commissioners may extend the expiration date.

K. SPECIFIC REQUIREMENTS: For additional specific requirements for certain uses see 4.03.

06997

ZONING MATRIX

County: GARFIELD

State: COLORADO

	Zoning District R/L (Resource/Lands)	Zoning District A/R/RD (Agricultural/Residential/ Rural Density)
Oil Shale Mining (all Processes)	C	S
Processing	C	S
Pre-Refining	C	S
Concrete Batch Mix Plant	C	S
Temporary Construction Offices Yards	C	C
Health Facilities	A	A
Housing		
- Mobile Homes	A	S
- Single Family Detached	A	A
COMMUNICATION/TRANSPORTATION		
- Radio Station/Microwave		
- Fuel Pipeline	C	A
- Roads	C	A
- Airport/Heliport	S	C
UTILITIES		
- Power Plant		
- Transmission Lines/Substations	C	P

ENVIRONMENTAL

- Dams & Reservoirs
- Water Treatment Plant
- Sewage Treatment Plant
- Solid Waste - Landfill
- Solid Waste - Incineration

C

C

Code: P - permitted use of right T - temporary use
 C - conditional use A - zoning amendment required
 S - special use

GENERAL NOTES: GARFIELD COUNTY

Relevant Documents:

- Zoning Resolution (1970, as amended through January 4, 1977).
- (The county has a building code, but has not received a delegation of electrical inspection responsibility from the state).

Zoning:

A permit from the county building official is required for the construction, alteration, or change of use of any structure. The application for this permit must include information and drawings specified in § 7.01 of the Zoning Resolution. Though renewable, this permit terminates in 120 days if construction has not yet been commenced. Since this permits must issue upon compliance with the Zoning Resolution (and all other county regulations), it is the prerequisites for such compliance which are most significant.

Almost all of the unincorporated part of the county is in either the "R/L" (Resource/Lands) or the "A/R/RD" (Agricultural/Residential/Rural Density) zone districts. Accordingly, these are the only districts analyzed in the accompanying zoning matrix.

The R/L zone is divided into the following four subzones: (1) plateau, (2) escarpment, (3) talus slopes, and (4) gentle slopes and lower valley floor. These subzones are not delineated on the zoning map; rather, land is assigned to its proper subzone on a case-by-case basis. The tabulated uses apply to all R/L subzones, except for airports, discussed below, the "mineral waste disposal areas," which are a conditional use in the plateau subzone and a special use in the other three subzones.

The Zoning Resolution distinguishes between private ("Aircraft Landing Strip") and public ("Airport") airports, with the latter category in turn divided into "Utility" (light aircraft) and full "Air Carrier" facilities. Aircraft Landing Strips are limited to use by the owner(s) of the land on which they are located. In

the A/R/RD zone, Aircraft Landing Strips are a conditional use, and Utility Airports are a special use. In the R/L zone, Air Carrier Airports are a conditional use, but only in the plateau and gentle slopes/lower valley floor sub-zones. It is unclear whether lesser grade airports would also be permitted therein.

Utility transmission lines or mains and substations are permitted in all zones, but Planning Commission review and County Commissioners approval is required for transmission lines with a capacity of 100 KV or more. Zoning Resolution § 4.01.01.

Zoning Resolution § 4.02 establishes supplementary standards and permitting procedures for mobile homes.

Telephonic communication with the Planning Department revealed the following facts which are not apparent from the Zoning Resolution itself:

1. The county believes that it legally lacks, and consequently is not now asserting, jurisdiction to zone lands owned by the state or federal governments.
2. The county requires a conditional or special use permit (including impact statement) even for mineral exploration where such exploration (e.g., test wells, excavations) will sufficiently alter the land or increase traffic.

Roads:

Permits to cross county roads (\$15 fee--no bond) or to access private roads onto county roads (\$10 fee) are required by and available from the county road supervisor.

Procedures for designation of areas or activities of state interest and, after designation, issuance of permits therefor, are described in "House Bill 1041," and are applicable to all Colorado counties. (See 05999)

07057

- A. NAME OF PERMIT: County Designation of Waste Disposal Site
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.13.0
- C. AGENCY: Board of County Commissioners of Mesa County
- D. AUTHORITY: C.R.S. 1973, § 30-20-102 (See 02057)
- E. APPLICABLE REGULATIONS/STANDARDS: 6 CCR 1007-2

07997

ZONING MATRIX

County: MESA

State: COLORADO

Mesa County is currently in the process of revising its zoning regulations. As of November 9, 1978, the revised regulations had not yet been received or reviewed by Holland & Hart.

08057

- A. NAME OF PERMIT: County Designation of Waste Disposal Site
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.14.0
- C. AGENCY: Board of County Commissioners of Moffat County
(See 02057)
- D. AUTHORITY: C.R.S. 1973, § 30-20-102
- E. APPLICABLE REGULATIONS/STANDARDS: 6 CCR 1007-2

08990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.14.0
- C. AGENCY: County Board of Commissioners, Planning Commission, Moffat County, Colorado
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111
- E. APPLICABLE REGULATIONS/STANDARDS: Moffat County Zoning Resolution Section 600
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to Planning Commission; for contract of application see Section 600.2
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: check with Planning Commission
 - 3. Hearing Requirements/Notice: public hearing required, notice shall be published at least thirty days prior to hearing. For additional notice requirement, see 600.4a, b.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Majority vote

08991

- A. NAME OF PERMIT: Conditional Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.14.0
- C. AGENCY: Planning Commission, Moffat County, Colorado
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111

Mineral or natural resource exploration and extraction is permitted only as a conditional use.
- E. APPLICABLE REGULATIONS/STANDARDS: Moffat County Zoning Resolution Section 420
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: See § 420 for prerequisite conditions. Submit Mining and Reclamation Plans, Sewage Treatment Plans, Housing Plans, etc. to Planning Commission.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: 1-6 months, or possibly longer
 - 4. Fee Schedule/Bond: \$25.00
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Change in Project Plans would require a revised conditional use permit. (Building Permit)

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.14.0
- C. AGENCY: Moffat County Planning Commission
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101, 133, 136.4 and 137 (Senate Bill 35)
- E. APPLICABLE REGULATIONS/STANDARDS: Subdivision Regulations of Moffat County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS:
 - 1. Subdivider Submits Sketch Plan to Planning Commission. The planning commission makes available information and forms to the subdivider relating to standards as outlined in these regulations and then makes recommendations.
 - 2. Planning Commission Submits Sketch Plan to Board. The Board, at their next regular meeting, may approve, table for 35 days, deny or return the sketch plan to the subdivider for revision. Denied applications cannot be resubmitted within six months after date of denial.
 - 3. Subdivider Submits Preliminary Plan to Planning Commission. The subdivider shall submit 12 copies 30 days prior to the planning commission meeting the application is to be on the agenda. The planning commission distributes copies to appropriate agencies for review and comment within 25 days unless an extension time is agreed by the subdivider and the Board.
 - 4. Planning Commission Submits Preliminary Plan to Board. The Board acts on preliminary plans within 35 days or approval is automatic.
 - 5. Subdivider Submits Final Plat to Planning Commission. The planning commission checks and acts on plat in accordance with completeness pursuant to these regulations and makes available one copy of the final plat to the Board to be sent to the State Land Use Commission.

6. Planning Commission Submits Final Plat to Board. The Board acts on final plat within 35 days or approval is automatic.

H. PROCESSING REQUIREMENTS:

1. Number of Forms: See G
2. Staff Review Time: See G
3. Hearing Requirements/Notice: See G
4. Fee Schedule/Bond:
 - a. Application for Subdivision
 - i. Filing of sketch plan--\$50.00
 - ii. Preliminary plan, base fee--\$50.00. In addition to the base fee, a fee of \$3.00 per proposed dwelling unit, lot, or building site, whichever is greater, shall be paid.
 - b. Application for exemption from Subdivision Regulations--\$25.00.
 - c. Application for permit for temporary use--\$25.00.

I. NATURE OF APPROVAL:

1. Form of Approval: Consent of Board
2. Duration of Permit: See G

08994

- A. NAME OF PERMIT: Temporary Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.14.0
- C. AGENCY: Planning Commission, Moffat County, Colorado
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111
- E. APPLICABLE REGULATIONS/STANDARDS: Moffat County Zoning Restriction Section 424
- F. A permit is required for temporary construction trailers, temporary batch plants and other similar activities.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to County Planning Commission
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: \$25.00
 - 5. Appeals: Appeal of a decision of the commission shall be to the Board. Appeal of the decision of the Board may be made to the courts.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: valid for period of time specified
 - 3. Conditions: failure to terminate such temporary use by the specified time will be considered a misdemeanor
 - 5. Renewal Procedures: Only two renewals of the temporary permit will be granted
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: (building permit)

08997

ZONING MATRIX

County: MOFFAT

State: COLORADO

	Zoning District "A" (Agricultural)	Zoning District "O" (Open Use)
Oil Shale Mining (all Processes)	C	C
Processing	C	C
Pre-Refining	C	C
Concrete Batch Mix Plant	C	C
Temporary Construction Offices Yards	T	T
Health Facilities	C	A
Housing		
- Mobile Homes	A	A
- Single Family Detached	A	A
COMMUNICATION/TRANSPORTATION		
- Radio Station/Microwave		
- Fuel Pipeline	C	C
- Roads		
- Airport/Heliport		
UTILITIES		
- Power Plant	C	C
- Transmission Lines/Substations	C	C

ENVIRONMENTAL

- Dams and Reservoirs	C	C
- Water Treatment Plant	C	C
- Sewage Treatment Plant	C	C
- Solid Waste - Landfill		
- Solid Waste - Incineration		

Code: P - permitted use of right T - temporary use
 C - conditional use A - zoning amendment required
 S - special use

GENERAL NOTES: MOFFAT COUNTY

Relevant Documents:

- Comprehensive Plan for the Craig Area of Moffat County (1977).
- Zoning Resolution (1978).
- Subdivision Regulations (1972, as amended 1973).
- (The county has adopted a building code, The Uniform Building Code, 1976 ed.)

Zoning:

No building may be erected without a building permit and no building or land may be used or occupied without a certificate of occupancy from the Zoning Enforcement Officer. Since the appropriate permit(s) must issue upon compliance with the zoning resolution, it is the prerequisites for such compliance which are most significant.

Almost all of the unincorporated part of the county is in either the "A" (Agricultural) or "O" (Open Use) zone districts, which are, accordingly, the only districts analyzed in the accompanying zoning matrix.

"Mineral or natural resource exploration, extraction and associated facilities" is a conditional use in the "A" and "O" zones. The county is atypical in requiring a conditional use permit for mere exploration. A "well drilling permit" is available for this purpose, regardless of the type of mineral sought or type of exploratory activity envisioned. This permit is applied for on a form available from the Planning Department and is merely one type of conditional use permit under the Zoning Resolution.

Processing, pre-refining, non-commercial concrete batching plants, and dams/reservoirs may all be considered "associated facilities" of mineral extraction, subject to the same conditional use procedures. Batching plants are also permitted as a temporary use for six month terms, with up to two renewals. Construction offices and yards are also temporary uses (nine month terms, up to two renewals).

Conditional uses may require land reclamation and bonding to the county in addition to any bonding required by other governmental entities.

Roads:

Permits to cross county roads ("utility crossing permit"), access private roads onto county roads ("driveway permit"), or use county roads with oversize or overweight vehicles are required by and available from the County Road Supervisor. Only the utility crossing permit requires a fee, which is graduated in amount; a completion bond of \$250.00 may also be required.

Procedures for designation of areas or activities of state interest and, after designation, issuance of permits therefor are described in "House Bill 1041," and are applicable to all Colorado counties. (See 05999)

09057

- A. NAME OF PERMIT: County Designation of Waste Disposal Site
- B. APPLICABLE/DESCRIPTION: 0.0.0.0.0.15.0
- C. AGENCY: Board of County Commissioners of Rio Blanco
County
- D. AUTHORITY: C.R.S. 1973, § 30-20-102

(See 02057)
- E. APPLICABLE REGULATIONS/STANDARDS: 6 CCR 1007-2

09351

- A. NAME OF PERMIT: Impact Analysis
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.15.0
- C. AGENCY: Rio Blanco County Planning Director and Commission.
- D. AUTHORITY: C.R.S. 1973, §§ 29-20-101 et seq.

Recited as "1963 C.R.S. § 106-8-104, prospectively C.R.S. 1973, § 30-28-104," but there was no 106-8-104 in 1963 C.R.S., and 1973 C.R.S. 30-28-104 does not authorize such ordinances. Authority probably lies, however, under HB 1034, C.R.S. 1973, §§ 29-20-101 et seq. (See 02999).

- E. APPLICABLE REGULATIONS/STANDARDS: 1974 Rio Blanco County Ordinances, Chap. 1000.

Applies to all projects. A "project" is any project, development, or proposal which is the subject of any zoning amendment, conditional use, variance, building permit, subdivision permit, permit to install an individual sewage disposal system, or HB 1041 permit--i.e., just about every development proposal. A two step process is involved. First is the "threshold" decision whether an Impact Analysis Statement (IAS) is required. This step is detailed in the remainder of this section. Second is the IAS procedure if an IAS is found to be necessary. This step is detailed in the remaining sections of this description.

An IAS is required if a project will have a "significant impact" which is "adverse." An impact is significant if, over either the short term (construction phase) or the long term (post-construction phase), county population will increase or decrease by at least 1.25%, or at least 1.25% of the county population will shift within the county across other local governmental boundaries. An impact is adverse if it will reduce the quality of, or increase the net cost of, a variety of listed public "services and activities" (e.g., schools, law enforcement, road maintenance, water supply, etc.) or "matters" (e.g., air quality, housing, traffic, HB 1041 areas or activities of state interest, etc.).

Unspecified information on any "project" must first be submitted to the Planning Director, who makes an initial determination on the threshold question. If he determines that there will be no significant impact and if the project is one which will not otherwise require approval of the Planning Commission, processing under other applicable county regulations (e.g., zoning) may commence. Otherwise, the Planning Director must report his conclusions on the threshold question to the Planning Commission by the latter of 30 days or the second regular meeting of the Commission after submission of the project application. At or before the next regular Commission meeting following this report, the Commission must hold a public hearing (at least one publication of notice at least 10 days in advance) and itself determine the threshold question of significant adverse impact. If there is a finding of no such impact, the project may proceed to obtain other necessary county approvals.

If there is a finding of significant adverse impact, the Commission must specify a list of up to eight "services, activities or matters" for which an IAS must be prepared, as well as those policies of the County Comprehensive Plan upon which the IAS must comment. IAS procedures thereafter are detailed below.

(It should be noted that an IAS is automatically required for any project requiring a special use permit under the zoning ordinance, unless specifically exempted by the Board of County Commissioners.)

If a sufficiently similar statement has been prepared by or for another level of government (e.g., a federal Environmental Impact Statement pursuant to NEPA), such statement may be used in lieu of the IAS in the hereinafter described evaluative procedures.

F. PRECEDENT PERMITS: None.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: The IAS, if one is required, must contain a description of: (1) the proposed project and development schedule; (2) the short and long term impacts of the project on those "services, activities and matters" and Comprehensive Plan policies specifically identified for comment by the Planning Commission in its threshold decision; (3) impacts upon such other services, activities and matters as the applicant may select; (4) any additional matter which may be required by the Planning Commission; (5) any

mitigations (tradeoff) which might be proposed by the applicant to reduce or eliminate an adverse impact, including proposed means of assuring the accomplishment of such mitigation; and (6) alternatives considered for the proposed project.

H. PROCESSING REQUIREMENTS:

1. Number of Forms: Submit 25 copies of IAS to Planning Director on a form prescribed by the Planning Commission.
2. Staff Review Time: Copies of IAS distributed to interested officials/agencies for comments within 45 days.
3. Hearing Requirements/Notice: Public hearing before the Planning Commission required within 60 days of filing of IAS. (Note: this hearing is in addition to the hearing required in making the threshold decision described in "B" above). Hearing to be preceded by published notice at least 30 days in advance.

At that hearing, unless the matter is continued to its next regular meeting, the Commission must determine whether to approve (no significant adverse impact) or disapprove the project. No more than one continuance is permitted without the applicant's consent.

4. Fee Schedule/Bond: IAS to be accompanied by fee of \$3,000 or such lesser or greater amount determined by the Planning Commission as adequate to cover county costs for review, reproduction, publication, and postage. Consult agency re any bonding requirements.
5. Appeals: Persons aggrieved by Planning Commission findings on the threshold questions, the IAS, or IAS resubmissions may appeal to the Board of County Commissioners within 10 days of the adverse finding.

I. NATURE OF APPROVAL:

1. Form of Approval: Planning Commission finding that the project will not significantly and adversely impact the specified services, activities, matters and Comprehensive Plan policies.

2. Duration of Permit: No permit as such is issued. Approval of IAS is not durationally limited, but new IAS procedures may be required where there is material variation from the project timetable indicated in the original IAS or conditions have substantially changed.
 3. Conditions: IAS approval may be conditional upon additional measures to mitigate the potential impact.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Other required county-level permits--e.g., zoning amendment and subdivision approval. Note: review and hearing requirements of this Impact Regulation and other county laws are to be conducted simultaneously whenever feasible.

RIO BLANCO COUNTY, COLORADO

- A. NAME OF PERMIT: Conditional Use Permit (Zoning) - Public Ways and Public Utilities.
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1,3,5,6,9.15.0
- C. AGENCY: Planning Commission and Board of County Commissioners.
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-101 et seq. 29-20-101 et seq., and 24-65.1-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: 1974 RBCO, §§ 305.1 and 305.11; 1976 RBC Master Plan for Public Ways and Public Utilities (the "PW/PU Plan"). Applies to all public highways, streets and other facilities for water, light, power, sanitation, transportation, communication, heat, and other utility purposes.

All land within the county is placed into one of 5 land use classes, summarized as follows:

Class 1 priority - cemeteries and airports.

Class 2 priority - cropland.

Class 3 priority - residential zones, and historical, natural, or archaeological resource areas.

Class 4 priority - lands in or near approved new communities or near existing municipalities, and certain timbered areas.

Class 5 priority - all other areas.

These land classes are not predetermined and mapped. Rather, the appropriate priority classification is determined on a case-by-case basis as applications are received.

Any public way or utility use on priority 1, 2, 3, or 4 land must demonstrate a "clear and preponderant" case therefor. (Class 4 land is confusingly included in this

requirement in two places and excluded from it in one place within the applicable regulations/standards.) Use in any classification must consider the visual, environmental, physiographic, and socioeconomic characteristics of the land, including evaluation of broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate, and unique features so that approved sites or routes result in the least possible adverse impacts.

Exemptions from the required procedures are available for lines over land owned or controlled by the person to be served and in certain other cases. 1974 RBCO §§ 03.1.1 and 03.1.4. Criteria for site and route selections are contained in 1974 RBCP § 05.1.

G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application is made to the Planning Department. See § 03.1.3 of "PW/PU Plan" for information and certifications required in the application.

H. PROCESSING REQUIREMENTS:

3. Hearing Requirements/Notice: Planning Commission holds public hearing resulting in recommendation to Board of County Commissioners. That Board then holds another public hearing prior to final action. This second hearing requires notice "in substantially the same fashion as set forth in 1974 RBCO § 317.4" (dealing with zoning amendments) - i.e., advance publication of at least 30 days, and, quite possibly, letters to adjacent land owners, and posting signs on the property.

4. Fee Schedule/Bond: Fees permitted but unspecified.

5. Appeals: To District Court.

I. NATURE OF APPROVAL:

1. Form of Approval: Conditional use permit.

3. Conditions: May be imposed by Board of County Commissioners to protect the surrounding area and community.

09990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.15.0
- C. AGENCY: Planning Commission
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111 through 127
- E. APPLICABLE REGULATIONS/STANDARDS: Rio Blanco County Ordinances, § 317
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application should be filed with Planning Director. For application content see § 317.2.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Forms supplied by Planning Commission
 - 2. Staff Review Time; 30 days after receipt of application, a recommendation shall be made to County Commissioners
 - 3. Hearing Requirements/Notice: Public hearing required 30 days notice. For additional necessary methods of advertisement see 317.4b.
 - 4. Fee Schedule/Bond: fee varies according to Amendment
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: majority vote

09991

- A. NAME OF PERMIT: Conditional Use (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.15.0
- C. AGENCY: Planning Commission and Board of County Commissioners
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111 through 127
- E. APPLICABLE REGULATIONS/STANDARDS: Rio Blanco County Ordinances, § 30
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: application should be filed with planning director
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: The Board and Planning Commission will hold independent public hearings. Public notice must be given.
 - 5. Appeals: Appeal of the decision of the Commission should be made to the Board. Any further appeal may be made to the courts.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: consent of Board

- A. NAME OF PERMIT: Special Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.15.0
- C. AGENCY: Board of County Commissioners, Planning Department, Planning Commission
- D. AUTHORITY: C.R.S. 1973, §§ 30-28-111 through 127

The special use permit provides fee open mining operations and prospecting on land within the County.

- E. APPLICABLE REGULATIONS/STANDARDS: Rio Blanco County Ordinances, § 305.A
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Special Use Application and an Impact Analysis Statement
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: See "Application for Special Use of the land, Rio Blanco County, Colorado."
 - 3. Hearing Requirements/Notice: Board will hold a public hearing pursuant to 30 day's notice
 - 5. Appeals: Appeal of the decision of the Commission shall be made to the Board. Any further appeal may be made to the courts.
- I. NATURE OF APPROVAL:
 - 2. Duration of Permit: Life of permit
- K. OTHER:
 - 1. If negative measures are laid out in the permit application, the county may waive the Impact Analysis Statement.
 - 2. A major change in the project plans requires as amendment to the special use permit through a full hearing process.

09997

ZONING MATRIX

County: RIO BLANCO

State: COLORADO

	<u>Zoning District A (Agricultural)</u>
Oil Shale Mining (all Processes)	S
Processing	S
Pre-Refining	S
Concrete Batch Mix Plant	S
Temporary Construction Offices Yards	S
Health Facilities	A
Housing	
- Mobile Homes	A
- Single Family Detached	P
COMMUNICATION/TRANSPORTATION	
- Radio Station/Microwave	C
- Fuel Pipeline	C
- Roads	
- Airport/Heliport	A
UTILITIES	
- Power Plant	C
- Transmission Lines/Substations	C

ENVIRONMENTAL

- Dams & Reservoirs A
- Water Treatment Plant C
- Sewage Treatment Plant C
- Solid Waste - Landfill
- Solid Waste - Incineration

Code: P - permitted use of right T - temporary use
 C - conditional use A - zoning amendment required
 S - special use

GENERAL NOTES: RIO BLANCO COUNTY

Relevant Documents:

- Rio Blanco County
- 1976 Rio Blanco County Master Plan for Public Ways and Public Utilities.
- Rio Blanco County Building Code, Volume I-A.
- Consolidated 1974 Rio Blanco County Ordinances (RBCO) as amended through February, 1978. Included within 1974 RBCO are:
 - Mobile Home Park Operations
 - Zoning Ordinance
 - Subdivision Regulations
 - Building Code (adopting, with some amendments, the Uniform Building Code, 1976 ed., and the aforementioned Rio Blanco County Building Code, Vol. I-A).
 - Electrical Inspection Ordinance (applicable to all construction requiring a building permit).
 - Solid Waste Disposal Site Designation
 - Individual Sewage Disposal Systems Regulations
 - County Road Vehicular Restrictions
 - Rio Blanco County Impact Regulation
 - Mobile Home Siting Ordinance

Impact Regulation:

The county requires an Impact Analysis Statement (IAS) for any project expected to have a significant impact upon the county. Procedures for determining if an IAS is required and, if so, for evaluating the IAS are described in the "Rio Blanco County--Impact Analysis." No permit as such

is issued upon successful completion of these procedures, but such completion is prerequisite to the issuance of any other required county permits (e.g., under zoning or subdivision control). In short, impact analysis is the first step in Rio Blanco County.

Zoning:

A building permit from the Zoning Enforcement Office is required for the erection, use, or occupancy of any land or building. Since this permit must issue upon compliance with the zoning (and related) ordinances, it is the prerequisites for such compliance which are most significant.

Almost all of the unincorporated part of the county is in the "A" (Agricultural) district, which is, accordingly, the only district analyzed in the accompanying zoning matrix.

Extraction of minerals (including oil shale) and related on-site processing is governed by special use procedures developed in partial response to recent interest in oil shale development in the county. An earlier provision of the zoning ordinance permits "energy resource facilities" in all zones under the somewhat less onerous conditional use procedures. Such a facility is, in relevant part, "any energy generating, energy conversion, or demonstration facility designed for or capable of producing ten thousand barrels per day or more of synthetic crude processed from shale rock," plus associated pipelines, 1974 RBCO § 318.9. While this definition would seem to encompass much of what is involved in a major oil shale development, the county will probably require "special use procedures facility" provisions were impliedly repealed or superceded by subsequent adoption of the more restrictive special use procedures. (Note: currently existing oil shale operations in Rio Blanco were processed as special uses).

Non-renewable, temporary uses in the "A" zone include non-commercial concrete batching plants (six months) and construction offices (39 months and one week). However, it is likely that less temporally restricted permits for such uses will be available as a use accessory to mining. The special use permit required for mining, while onerous, does embody considerable flexibility with regard to overriding the strict applicability of other local requirements to accessory uses.

Dwellings are permitted in the "A" zone on five acre minimum lots unless they are served by public water and sewer systems, in which case the minimum lot size drops to 12,000 square feet. The Master Plan favors new residential and related development near existing communities, rather than scattered or in "new towns."

Public ways and utilities are permitted as a conditional use in all zones, but the applicable standards and procedures are governed by the 1976 Rio Blanco County Master Plan for Public Ways and Public Utilities, as described in a separate conditional use permit description. "Public utility," in this context, is broadly defined.

Mobile Homes:

The Zoning Ordinance includes a "floating" Mobile Home Park (MHP) zone district. This district includes, and is the only one which permits, both mobile home parks (single ownership--individual lots rented) and mobile home subdivisions (multiple ownership--individual lots sold). No land is initially placed in this zone. Rather, an amendment of district designation to MHP is always required on an individual project basis. Proposed sites must be between 10 and 80 acres, and a maximum density of 5-1/2 dwellings per acre is permitted. Separate amendment procedures and standards are provided in the ordinance; these are tabulated in the "Rio Blanco County--MHP Zoning Amendment" description.

The Mobile Home Park Operations Ordinance requires annual licensing of mobile home rental parks.

The Mobile Home Siting Ordinance requires a permit to place a mobile home on any site other than in an approved mobile home park. The permit is good for five years and is renewable but non-transferrable.

Miscellaneous:

The Individual Sewage Disposal System Regulations, 1974 RBCO, Ch. 8, require a permit from the county Board of Health for construction of any sewage disposal system of less than 2,000 gallons per day capacity. These regulations are adopted pursuant to the Colorado "Individual Sewage Disposal System Act," C.R.S. 1973, §§ 25-10-101 et seq., which requires all counties to administer such a permit system. Extensive minimum standards and permit

procedures are provided. Use of public sewer systems is required wherever feasible.

The County Road Vehicular Restrictions, 1974 RBCO, Ch. 9, require a permit from the County Road Supervisor or his designated agent in order to operate on county roads any vehicle which exceeds specified load and size limits.

Procedures for designation of areas or activities of state interest and, after designation, issuance of permits therefor are described in "House Bill 1041," and are applicable to all Colorado counties. (See 05999)

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10825

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.21.0
- C. AGENCY: Carbon County Commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-8
(See 03825)

- A. NAME OF PERMIT: Special Use Permit for Mobile Home Parks
- C. AGENCY: Planning and Zoning Commission, Board of County Commissioners of Carbon County, Utah
- D. AUTHORITY: Zoning Ordinance of Carbon County, Part 6-19.
- E. APPLICABLE REGULATIONS/STANDARDS: Requirements and standards, § 6-19-3, B
- F. PRECEDENT PERMITS: Building Permits
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Preliminary Plans and Documents, see § 6-19-3, A, C. Final site plan.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: three copies of the preliminary plan; at least two copies of final
 - 3. Hearing Requirements/Notice: Public hearing required, public notice given at least five days prior to hearing.
 - 4. Fee Schedule/Bond: Bond, mortgage or other assurance equal to estimated cost of constructing wells, water and sewer lines.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board
 - 2. Duration of Permit: Approval for preliminary plan shall be valid for one (1) year; duration of final plan, two (2) years.
 - 3. Conditions: Failure to complete final plan (unless granted an extension) will result in forfeit of bond.
 - 4. Reviews/Monitoring: Inspection by Zoning Administrator
 - 5. Renewal Procedures: Continuing obligation to maintain mobile home in accordance with approved conditions restrictions.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Annual license to operate mobile home after inspection.

10990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.21.0
- C. AGENCY: Planning Commission, Board of County Commissioners of Carbon County, Utah
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.

Before recommending an amendment to the resolution, it must be shown that such amendment is reasonably necessary, is in the interest of the public, and in harmony with objections of zoning conditions.

- E. APPLICABLE REGULATIONS/STANDARDS: Carbon County Zoning Ordinance, Part 3-3
- F. PRECEDENT PERMITS: Possible building permit
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Submit to County Clerk a written petition designating change desired, reason therefor, and harmony with objectives of present resolution.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Maximum 30 days, failure on the part of Commission to make recommendations within thirty (30) days constitutes an approval.
 - 3. Hearing Requirements/Notice: Planning Commission may call a public hearing before submitting recommendations to Board.
 - 4. Fee Schedule/Bond: Fifteen dollars
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: approval by Board of County Commissioners and Planning Commission

10997

ZONING MATRIX

County: CARBON
State: UTAH

	Zoning District Agricultural (A)	Zoning District Mining & Grazing (M & G)	Zoning District Recreation, Forestry, & Mining (R, F, & M)
Oil Shale Mining (all processes)	A	P	P
Processing	A	P	P
Pre-Refining	A	P	P
Concrete Batch Mix Plant	A	A	A
Temporary Construction Offices/Yards			
Health Facilities/Infirmary	P	A	A
Health Facilities/Hospital	A	A	A
HOUSING			
- Mobile Homes	A	A	P
- Single Family Detached	P	A	P
COMMUNICATION/TRANSPORTATION			
- Radio Station/Microwave	P	A	A
- Fuel Pipeline			
- Roads			
- Airport/Heliport	P	A	A
UTILITIES (PRIVATE)			
- Power Plant	A	A	A
- Transmission Lines/Substations	A	A	A
ENVIRONMENTAL			
- Dams & Reservoirs	P	P	P
- Water Treatment Plant	A	P	P

- Sewage Treatment Plant	A	P	A
- Solid Waste - Landfill	P	P	A
- Solid Waste - Incineration	A	A	A

Code: P - permitted use of right T - temporary use
 C - conditional use A - zoning amendment required
 S - special use

GENERAL NOTES: CARBON COUNTY

Relevant Documents:

- Zoning Ordinance (1959, as amended through February 15, 1977).
- Uniform Building Code.

Zoning:

A building permit must be obtained from the Building Inspector prior to the erection or removal of any building or structure or any part thereof. In addition, Appendix 70 of the Uniform Building Code requires that a grading permit be obtained prior to the commencement of any surface land alterations. Approval and issuance of both permits requires applicant's compliance with the Zoning Ordinance and any applicable state environmental and/or other requirements.

Three zones encompass the majority of the county's land mass and have been analyzed in the accompanying matrix: (1) Agricultural; (2) Mining and Grazing; and (3) Recreation, Forestry, and Mining.

Mining and its related processes are permitted uses only in the Mining and Grazing and Recreation, Forestry, and Mining zones.

Uses which have not been specifically mentioned in the Zoning Ordinance under any zone have been left blank in the matrix. Uses which have been mentioned as permitted in at least one zone but not in the particular zone of interest are listed in the matrix as requiring an amendment. However, some uses listed in the matrix as requiring an amendment may, upon application to the County Board of Adjustment, be permitted in the Mining and Grazing zone as "other uses ruled . . . to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics" Likewise, in the Recreation, Forestry, and Mining zone such uses may be permitted as "facilities related" to permitted mining operations.

Public utility facilities are permitted in the Agricultural and Recreation, Forestry, and Mining zones.

The construction/use of a private utility (e.g., private generating facility), however, requires an amendment in all three analyzed zones.

Health facilities in the nature of infirmaries are permitted in the Agricultural zone. Hospitals are not permitted in any of the analyzed zones.

Any sewage disposal system must be approved by the Board of Health.

11825

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.22.0
- C. AGENCY: Daggett County Commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-8

(See 03825)

11990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.22.0
- C. AGENCY: Governing Body, Planning Commission of Daggett County
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Uniform Zoning Ordinance of Daggett County
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Thirty (30) days
 - 3. Hearing Requirements/Notice: Public hearing; thirty (30) days notice.
 - 4. Fee Schedule/Bond: Fee established by legislative body
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of governing body

11991

- A. NAME OF PERMIT: Conditional Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.22.0
- C. AGENCY: Planning Commission, Zoning Administrator, of Daggett County
- D. AUTHORITY: U.C.A. 1953, §§ 17-21-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Uniform Zoning Ordinance of Daggett County, Chapter 6.

Certain uses which may be harmonious under special conditions and in specific locations within a district, but will be improper under general conditions and in other locations, are classed as conditional uses.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application, maps, documents . . . submitted to Planning Commission, Chapter 6, Section 3.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: Possibility of a public hearing not a requirement.
 - 4. Fee schedule/Bond: Fee determined by governing body.
 - 5. Appeals: Decision of Zoning Administrator may be appealed to planning commission. Decision of Planning Commission may be appealed by governing body.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Planning Commission (or Zoning Administrator if authorized by Commission).
 - 2. Duration of Permit: Maximum six months for conditional use permit for temporary uses. Unless there is substantial action within one year of issuance, Conditional Use permit will expire.
 - 3. Conditions: Permit may be revoked upon failure to comply with conditions precedent to the original approval.

4. Reviews/Monitoring: Zoning administrator shall issue that development is undertaken and completed.
 5. Renewal Procedures: Renewals for Conditional Use Permits for temporary uses are at the discretion of the planning commission for not more than three successive periods. Maximum extension for a Conditional Use Permit is six months.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Following issuance of a conditional use permit, the administrator shall approve an application for a building permit.

11993

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.22.0
- C. AGENCY: Planning Commission, Governing Body of Dagget County
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-21 and 27, and §§ 57-5-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Subdivision Ordinance and Regulations of Daggett County 4-17.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to planning commission will include a sketch plan 4-1, preliminary plat, 4-3, final plat Ch. 4-4, 7.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: See, 5-1, 6-2, 7-3
 - 2. Staff Review Time: Sixty-five (65) days for Planning Commission; thirty-five (35) days for Governing Body; failure to reply within specified time limit indicates a favorable approval.
 - 3. Hearing Requirements/Notice: Reviews will take place at regularly scheduled meetings of both Planning Commission and Governing Body.
 - 4. Fee Schedule/Bond: Mandatory bond or deposit in escrow, see Ch. 12, fee for filing preliminary plat and final plat determined by Governing Body, Ch. 13.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Commission and Board, 7-10, 7-11.
 - 2. Duration of Permit: Preliminary plat approval--valid for two years, Ch. 4-3, 6. Final plat should be submitted within eighteen months of preliminary plat approval.
 - 5. Renewal Procedures: Re - subdivision or changes to a recorded plat will be considered a subdivision and will comply with above. For exceptions see, 7-13, (1), (2).

K. OTHER:

Exemptions

Any land divided for any purpose into three or more parts after the passage of this Ordinance shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:

1. Land divided into parts and smallest of which is one hundred acres in area, or larger.
2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, as defined herein.

11997

ZONING MATRIX

County: DAGGETT
State: UTAH

	<u>Zoning District Multiple Use (M-U)</u>	<u>Zoning District Agricultural (A)</u>
Oil Shale Mining (all processes)	C	C
Processing	A	A
Pre-Refining	A	A
Concrete Batch Mix Plant	C	C
Temporary Construction Offices/Yards	C	C
Health Facilities	A	A
HOUSING		
- Mobile Homes	A	A
- Single Family Detached	A	A
COMMUNICATION/TRANSPORTATION		
- Radio Station/Microwave	C	C
- Fuel Pipeline		
- Roads		
- Airport/Heliport		
UTILITIES		
- Power Plant	C	C
- Transmission Lines/Substations	C	C
ENVIRONMENTAL		
- Dams & Reservoirs	C	C
- Water Treatment Plant		
- Sewage Treatment Plant		
- Solid Waste - Landfill	A	A
- Solid Waste - Incineration	A	A

Code: P - permitted use of right T - temporary use
C - conditional use A - zoning amendment required
S - special use

GENERAL NOTES: DAGGETT COUNTY

Relevant Documents:

- Master Plan for Daggett County and Manilla Town (1973).
- Uniform Zoning Ordinance (1974).
- Subdivision Ordinance and Regulations (1973).
- Uniform Building Code
- Mobile Home & Recreational Coach Ordinance

Zoning:

A building permit from the building inspector and a zoning permit from the zoning administrator are required for the construction or alteration of most structures. Prior to the change in use or character of any building or land an occupancy permit must be obtained from the zoning administrator. At a minimum a site plan must accompany the application for any of the above permits. Additional materials may be required. A design review is made of all submissions, and approval even of permitted uses may be conditioned upon changes to provide for design of traffic patterns, landscaping, drainage, and other factors. The ordinance also provides performance standards for noise, vibration, odors, dust, explosives, hazards and other factors applicable to any use in any zone. Since these permits must issue upon compliance with the zoning ordinance (the building code in the case of the building permit), it is the steps necessary for such compliance which are most significant.

The county contains 26 different zones, most of which are classified as either Multiple Use (M-U) or Agricultural (A) zones. It is these zones which are analyzed in the accompanying matrix.

Mining is a conditional use in the analyzed zones. Processing, refining, and storage of explosives, ore, and petroleum are permitted as conditional uses only in the General Industrial (MG) zone. The zoning does allow for accessory buildings and uses customarily incidental to permitted uses and conditional uses even though such uses are not specifically mentioned. Whether processing and pre-refining will require a zoning amendment to rezone an

area as general industrial or be permitted in the analyzed zones as a conditional use because "customarily incidental" to the listed conditional use of mining is unclear and probably will depend on a case by case determination.

In all cases where proposed buildings or proposed uses will involve the use of sewage and water facilities and connection to the public sewer system or connection to the public water system is not available, approval must be obtained from the county sanitarian prior to obtaining a building permit from the building inspector. Such waste disposal, water and sewage treatment facilities are not specified as permitted or conditional uses in any zone. Thus, it appears likely that if all state and local health standards are met and a certificate of approval as mentioned is received, the building of such facilities will be approved in any zone as conditional uses. It should be noted that the majority of Daggett County utilizes septic tank systems.

12825

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.23.0
- C. AGENCY: Duchesne County Commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-8
(See 03825)

12990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.23.0
- C. AGENCY: Planning Commission, Board of County Commissioners of Duchesne County
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Zoning Resolution of Duchesne County, Utah 5-7
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Submit to the clerk a written petition designating desired change, reasons, and harmony with objectives of present resolution.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Maximum 30 days--for the consideration of the Board
 - 3. Hearing Requirements/Notice: Public hearing; publication of notice 30 days before hearing.
 - 4. Fee Schedule/Bond: \$15.00 fee to County Clerk
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board
 - 3. Conditions: Failure on part of Board to act on petition within 30 days constitutes approval.

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.23.0
- C. AGENCY: Board of County Commissioners of Duchesne County, Planning Commission
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-21 and 27, and §§ 57-5-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Subdivision Regulations of Duchesne County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Discussion of proposed developments with Board, vicinity plans, approval of preliminary plan by Commission, final plat.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: three copies of vicinity plan; five copies of preliminary plan; five copies of engineering drawings; two tracings of final plat
 - 4. Fee Schedule/Bond: surety bond on cash deposit
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: written consent of Board (on the face of two copies of plan)
 - 2. Duration of Permit: two years
 - 3. Conditions: final plats must be recorded with ninety days of approval; if subdivision neglects to install improvements, may forfeit bond
 - 5. Renewal Procedures: application to renew submitted 60 days prior to expiration of two year bond
- K. OTHER: Where a subdivider owns more land than he wishes to develop immediately, Commission may require preliminary plan for whole area whenever final approval of any part has been obtained, approval of preliminary part will remain in effect for one year or until notification.

12997

ZONING MATRIX

County: DUCHESNE
State: UTAH

422

	Zoning District Agricultural (A)	Zoning District Residential- Agricultural (R-A)	Zoning District Grazing, Recreation, Forestry (G, R, F)
Oil Shale Mining (all processes)	P	A	P
Processing	A	A	P
Pre-Refining	A	A	P
Concrete Batch Mix Plant	A	A	A
Temporary Construction Offices/Yards			
Health Facilities	P	A	
HOUSING			
- Mobile Homes	A	A	A
- Single Family Detached	P	P	P
COMMUNICATION/TRANSPORTATION			
- Radio Station/Microwave	P	A	P
- Fuel Pipeline			
- Roads			
- Airport/Heliport			
UTILITIES (PRIVATE)			
- Power Plant	A	A	P
- Transmission Lines/Substations	A	A	P
ENVIRONMENTAL			
- Dams & Reservoirs	P	A	P
- Water Treatment Plant	P	P	P
- Sewage Treatment Plant	P	A	A
- Solid Waste - Landfill	A	A	A
- Solid Waste - Incineration	A	A	A

Code: P - permitted use of right T - temporary use
C - conditional use A - zoning amendment required
S - special use

DUCHESNE COUNTY, UTAH

Relevant Documents:

- Zoning Resolution (1967, as amended).
- Subdivision Regulations (1967).
- Trailer Court Ordinance.
- Uniform Building Code.

Zoning:

A building permit must be obtained from the Building Inspector prior to the erection or moving of any building or structure or any part thereof involving the expenditure of \$250.00 or more in replaceable value. No such permit is required for the mere use of land. Approval and issuance of the building permit requires applicant's compliance with the Zoning Resolution and any applicable state environmental and/or other requirements. Any building which is to be used for human occupancy must receive approval of domestic sewage disposal systems from the Board of Health prior to issuance of the building permit.

Three zones encompass the majority of the county's land mass and have been analyzed in the accompanying matrix: (1) Agricultural; (2) Residential - Agricultural; and (3) Grazing, Recreation, and Forestry.

Mines are permitted in the Agricultural and the Grazing, Recreation, and Forestry zones. However, mining and its related processes are permitted only in the Grazing, Recreation, and Forestry zone.

Uses which have not been specifically mentioned in the Zoning Resolution under any zone have been left blank in the matrix. Uses which have been mentioned as permitted in at least one zone but not in the particular zone of interest are listed in the matrix as requiring an amendment. However, some uses listed in the matrix as requiring an amendment may, upon application to the Board of Adjustment, be permitted as uses similar to those specifically mentioned as permitted uses in the zone.

Private utilities (such as a private generating plant) appear to be permitted only in the Grazing, Recreation,

and Forestry zone. Public utilities and related buildings are permitted in all three zones.

The placement of two or more trailer homes together requires compliance with the standards and permit requirements of the Trailer Court Ordinance. Approval of such "trailer parks" is conditioned upon compliance with the Zoning Resolution. However, no zones list trailer/mobile home parks as a permitted use. Therefore, such a use is indicated in the matrix as requiring an amendment in all three zones.

13825

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.24.0
- C. AGENCY: Summit County Commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-8
(See 03825)

13990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.24.0
- C. AGENCY: County Planning Commission, Board of County Commissioners
- D. AUTHORITY: U.C.A. 1953, § 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Development Code of Summit County, Utah, Ch. 2.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Submit to Planning Commission a written petition designating the change desired and reason therefor.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Planning Commission, 30 days.
 - 3. Hearing Requirements/Notice: Public hearing required, 30 days public notice, 15 days notice to abutting owners.
 - 5. Appeals: New application, affecting same area, cannot be filed until 1 year from date of denial.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: consent of Commission and Board.

- A. NAME OF PERMIT: Conditional Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.24.0
- C. AGENCY: County Planning Commission, Board of County Commissioners
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Development Code of Summit County, Utah, Ch. 6
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to Planning Commission; should include detailed site plans, names and addresses of all abutters and other documents.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Planning Commission - 30 days; Board - 15 days. Failure to do indicates approval.
 - 3. Hearing Requirements/Notice: Public hearing required, public notice at least 15 days prior to date, others notified by mail.
 - 4. Fee Schedule/Bond: Fee established by Board.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Commission and board.
 - 2. Duration of Permit: Generally a year unless substantial action incurred within one year; duration shall be determined by Commission.
- J. ASSOCIATED AND/OR FOLLOW-ONE PERMITS: Building Permit, and/or Certificate of Zoning Compliance, where applicable.
- K. OTHER: For temporary uses, see Conditional Use Permit (exception: duration of permit, always one year, but is renewable).

13997

ZONING MATRIX

County: SUMMIT

State: UTAH

	Zoning District AG-1 (Agricultural/ Grazing)	Zoning District WF-1 (Wilderness/ Forestry)
Oil Shale Mining (all Processes)	P	C
Processing	C	C
Pre-Refining	C	C
Concrete Batch Mix Plant	C	C
Temporary Construction Offices Yards	C/T	C/T
Health Facilities	C	A
HOUSING		
- Mobile Homes	A	A
- Single Family Detached	A	A
COMMUNICATION/TRANSPORTATION		
- Radio Station/Microwave	P	C
- Fuel Pipeline	P	C
- Roads		
- Airport/Heliport	C	C
UTILITIES		
- Power Plant	P	C
- Transmission Lines/Substations	P	C

ENVIRONMENTAL

- Dams & Reservoirs	P	C
- Water Treatment Plant	C	C
- Sewage Treatment Plant	C	C
- Solid Waste - Landfill		
- Solid Waste - Incineration		

Code: P - permitted use of right T - temporary use
 C - conditional use A - zoning amendment required
 S - special use

GENERAL NOTES: SUMMIT COUNTY

Relevant Documents:

- Development Code of Summit County (1977, as amended April 4, 1978).
- Master Plan (October, 1978).
- Uniform Building Code.

Zoning:

A building permit from the building inspector is required for the construction or removal of most structures. A certificate of zoning compliance from the zoning administrator is a prerequisite for a building permit. The certificate of zoning compliance is only required when construction is contemplated.

Almost all the county is either in the agricultural-grazing (AG-1) district or the wilderness-forestry (WF-1) district. Thus these districts are both analyzed in the accompanying matrix. Uses that are specifically mentioned in the ordinance are listed either as permitted uses or conditional uses. Uses which are not listed presumably will require an amendment to the development code. However, accessory buildings and uses customarily incidental to listed permitted and traditional uses will be considered permitted uses. Whether specified uses will qualify as "customarily incidental" or will require a zoning amendment will most likely depend on a case by case analysis and determination. In addition, application may be made to the planning commission to consider whether unlisted uses are so similar in nature to permitted uses that they should also be permitted.

In all cases where proposed buildings or proposed uses will involve the use of sewage and water facilities and connection to the public sewer system or connection to the public water system is not available, approval must be obtained from the county sanitarian prior to obtaining a building permit from the building inspector. Such waste disposal, water and sewage treatment facilities are not specified as permitted or conditional uses in any zone.

Thus it appears likely that if all state and local health standards are met, the building of such facilities will be approved in any zone, as conditional uses.

No signs other than name plates, property signs, service signs and temporary signs shall be erected, relocated or enlarged until the plan for such sign has been approved and a permit issued by the zoning administrator. Signs must meet all standards as set out in the development code.

14825

- A. NAME OF PERMIT: Agreement for Prepayment of Taxes
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.1.25.0
- C. AGENCY: Uintah County Commission
- D. AUTHORITY: U.C.A. 1953, § 63-51-8
(See 03825)
- E. APPLICABLE REGULATIONS/STANDARDS: Uintah County Ordinances

14990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.25.0
- C. AGENCY: Planning Commission, Board of County Commissioners of Uintah County, Utah
- D. AUTHORITY: U.C.A. 1953, § 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Zoning Ordinance of Uintah County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Submit to Planning Commission a written petition designating change.
- H. PROCESSING REQUIREMENTS:
 - 3. Hearing Requirements/Notice: Public hearing required, notice shall be given at least 30 days prior to date of hearing.
 - 4. Fee Schedule/Bond: Filing fee of \$25.00 to County Clerk.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Commission and board; no action indicates approval.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Prerequisite to the operation of any mobile home park shall be the obtaining of an annual license. (Possible Building Permit)

14991

- A. NAME OF PERMIT: Conditional Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.25.0
- C. Agency: Board of Adjustment of Uintah County
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Zoning Ordinance of Uintah County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to Board of Adjustment; location map, assurance that disposal site will operate in accordance with rules of Board of Health; adequate safeguards to values of surrounding areas 02.0534,C.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Forms furnished by Zoning Administration.
 - 2. Staff Review Time: 30 days for Board of Adjustment.
 - 3. Hearing Requirements/Notice: hearing of appeal, 5 days public notice.
 - 4. Fee Schedule/Bond: Possible bond.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board of Adjustment.
 - 2. Duration of Permit: 1 year.
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Certificate of Zoning Compliance.

- A. NAME OF PERMIT: Temporary Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.25.0
- C. AGENCY: Zoning Administrator, Planning Commission, Board of Adjustment
- D. AUTHORITY: U.C.A. 1953, §§ 17-27-1 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Zoning Ordinance of Uintah County
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Applications to Zoning Administrator; applications should contain a description of property, use, sanitary requirements, parking needs.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Forms furnished by Zoning Administrator.
 - 2. Staff Review Time: 30 days for Board of Adjustment.
 - 3. Hearing Requirements/Notice: Hearing of appeal, 5 days public notice.
 - 4. Fee Schedule/Bond: possible bond.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board of Adjustment.
 - 2. Duration of Permit: 1 year, not renewable for more than 2 successive periods at the same location.
 - 5. Renewal Procedures: See G
- J. ASSOCIATED AND/OR FOLLOW-ON PERMITS: Certificate of Zoning Compliance.

ZONING MATRIX

County: UINTAH
State: UTAH

	Zoning District Agricultural (A)	Zoning District Mining and Grazing (M&G)	Zoning District Recreation, Forestry and Mining
Oil Shale Mining (all processes)	A	P	P
Processing	A	P	P
Pre-Refining	A	P	P
Concrete Batch Mix Plant	A	P	
Temporary Construction Offices/Yards	T	T	T
Health Facilities			

HOUSING

- Mobile Homes	P	A	P
- Single Family Detached	P	A	P

COMMUNICATION/TRANSPORTATION

- Radio Station/Microwave
- Fuel Pipeline

- Roads

- Airport/Heliport

P

A

A

UTILITIES

- Power Plant

A

A

P

- Transmission Lines/Substations

A

A

P

ENVIRONMENTAL

- Dams & Reservoirs

P

P

P

- Water Treatment Plant

P

P

P

- Sewage Treatment Plant

A

P

A

- Solid Waste - Landfill

C

C

C

- Solid Waste - Incineration

Code: P - permitted use of right

T - temporary use

C - conditional use

A - zoning amendment required

S - special use

GENERAL NOTES: UINTAH COUNTY

Relevant Documents:

- Comprehensive Plan (1970).
- Water and Sewer Plan (1970).
- Zoning Ordinance (1971).
- Subdivision Ordinance (1971).

Zoning:

A building permit is required for the construction or alteration of most structures, and a certificate of zoning compliance is required for the use or occupancy of any structure or land or any change therein. Any building which is to be used for human habitation must receive approval of its water supply and sewage disposal from the Health Department prior to issuance of the building permit. Since these permits/certificates must issue upon compliance with the zoning ordinance, it is the steps necessary for such compliance which are most necessary.

Most of the county is zoned M&G-1 (Mining and Grazing). Significant portions are also zoned A-1 (Agricultural) and RF&M (Recreation, Forestry and Mining). Accordingly, it is these three zoning districts which are analyzed in the accompanying materials.

The zoning ordinance fails to deal expressly with a larger number of use types than is perhaps typical. It also contains a typical provision that uses not expressly permitted are deemed prohibited. But included within the list of permitted uses for each zone is a statement that uses not mentioned may be permitted by the Board of Adjustment if it rules them to be similar to and is able to harmonize the use with expressly permitted uses--thus increasing the likelihood that some unmentioned uses may be permitted in specific instances.

Uses which have not been specifically mentioned in the Zoning Ordinance under any zone have been left blank in the accompanying matrix. Uses which have been mentioned as permitted in at least one zone but not in the

particular zone of interest are listed in the matrix as requiring an amendment. However, some of these uses may, upon application to the Board of Adjustment, be permitted as uses similar to those specifically mentioned in the zone.

Atypically, private dwellings are permitted in the A-1 zone on lots as small as 8,000 square feet with public sewage service (16,000 square feet otherwise). However, the ordinance also states that dwellings not related to agriculture are to be discouraged in this zone, and provisions are made for processing of large scale residential developments in various other zones. Thus it may be that significant residential development in A-1 would require a zoning amendment despite the contrary indication in the accompanying materials. Relevant to this possibility is the Comprehensive Plan recommendation that new urban growth be near existing service.

Private utilities (such as private generating plants) appear to be permitted only in the Recreation, Forestry and Mining Zone. Public utility buildings and structures are permitted in all three zones.

15990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.31.0
- C. AGENCY: Board of County Commissioners, Planning and Zoning Commission of Carbon County
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Carbon County Zoning Resolution, 570
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to amend this resolution submitted to Board and Commission.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Minimum of 30 days
 - 3. Hearing Requirements/Notice: Public hearing before Board and Commission following 30 day notice (independent)
 - 4. Fee Schedule/Bond: Fifty dollars (\$50.00) to cover advertising and processing.
 - 5. Appeals: If application denied, new application for the same zoning charge shall not be eligible for reconsideration for one year.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Approval by official vote of Board, certification of amendments by Commissioner.

- A. NAME OF PERMIT: Special Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.31.0
- C. AGENCY: Planning and Zoning Commission, Board of County Commissioners, Carbon County
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: The Carbon County Zoning Resolution of 1972, Sections 460, 580

Due to their unusual and unique features, Special Permit Uses shall be subject to the following requirements to insure the best interests of the health, safety and welfare of Carbon County citizens. Special Permit Uses shall be permitted in districts where designated only after review and approval by the Planning and Zoning Commission. The basic criterion to be used in reviewing applications for special permit uses shall be whether or not granting the permit for development either by itself or in combination with other developments will subvert the stated purposes of the established district. If so, the permit shall be denied and the petitioner will have the option of requesting a zone change.

- F. PRECEDENT PERMITS:
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application shall be submitted to Commission and shall include information as required in Section 462.2.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: Hearing held within 45 days of receipt of application; decision by Commission within 65 days of receipt of application.
 - 3. Hearing Requirements/Notice: Public hearing, notice 10 days prior to hearing date, see 461.2 for content of notice.
 - 4. Fee Schedule/Bond: \$25.00 to Zoning Office.

5. Appeals: Decision of Commission may be received by Board. Board shall fix a reasonable time for hearing of appeal, give public notice, and decide the same within 30 days. Decision of Board may be reviewed by District Court and by the Supreme Court upon an appeal.

I. NATURE OF APPROVAL:

1. Form of Approval: Consent of Commission, a copy of decision rendered and conditions applied shall be transmitted to applicant.
4. Review/Monitoring: Zoning Officer

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.31.0
- C. AGENCY: Board of County Commissioners, Planning Commission and County Commissioners of Carbon County, Wyoming.
- D. AUTHORITY: W.S. 1977, §§ 18-5-301 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: The Carbon County Subdivision Resolution of 1972
- F. PRECEDENT PERMITS: Required certifications, dedications, ...
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Preliminary plat and relevant data, 4.2, 4.3, 4.4, 4.5, final plat 4.11, (18 month deadline to file final plat after preliminary plat acceptance)
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: 10 prints of preliminary plat submitted 14 days prior to meeting (5 copies of final plat to County Engineer, submitted 14 days prior to meeting).
 - 2. Staff Review Time: Minimum of 14 days, maximum of 31 days for preliminary plat review (similar time for final plat review).
 - 3. Hearing Requirements/Notice: Acted on by the Commission at a regularly scheduled meeting.
 - 4. Fee Schedule/Bond: Fee in accordance with latest fee schedule established by resolution/potential bond (See I.3).
 - 5. Appeals: Appeals to Board of County Commissioner (See 8.7).
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Final plat must be recorded within 90 days after approval.

3. Conditions: Approval of final plat is granted only when public improvements have been installed or if a performance guarantee in the form of surety bonds has been secured or other means in a form acceptable to County's legal advisor, 4.14.
 4. Reviews/Monitoring: County Commissioners review preliminary and final plat with possible assistance from County Engineer.
- K. RESUBDIVISION: Re-subdivision procedures and exceptions, 4.15.

15997

ZONING MATRIX

County: CARBON
State: WYOMING

Ranching/
Agricultural/
Mining
District

Mining	PU
Concrete Batch Mix Plant	A
Processing	PU
Pre-Refining	PU
Temporary Construction Offices/Yards	PU
HOUSING	
- Mobile Home Parks	A
- Mobile Home Subdivisions	A
- Other Housing	A
COMMUNICATION/TRANSPORTATION	
- Radio Station/Microwave	SU
- Fuel Pipeline	A
- Roads	A
- Airport/Heliport	SU
UTILITIES	
- Power Plant	SU
- Transmission Lines/Substations	PU
Health Facilities/Hospitals	SU
ENVIRONMENTAL	
- Dams & Reservoirs	SU
- Water Treatment	SU
- Sewage Disposal Plant	SU
- Solid Waste Disposal	
(1) Landfill	SU
(2) Incineration	A

Code: PU - permitted Use
SU - special Use
A - amendment

15999

GENERAL NOTES: CARBON COUNTY, WYOMING

Relevant Documents:

- 1978 Carbon County Land Use Plan.
- The Carbon County Zoning Resolution of 1972.
- The Carbon County Subdivision Resolution of 1972.
- Mobile Home Resolution (standards only).

Zoning:

A zoning permit is required for all but negligible construction or alteration of any physical improvements on a site. A certificate of occupancy is required prior to the use of any structure or land erected, altered, enlarged or moved, or for which the use has changed. Since these permits/certificates must issue upon compliance with the zoning resolution, it is the steps necessary for such compliance which are most significant. The county does not have a building code.

Almost all of the county is in the "RAM" (Ranching, Agriculture, and Mining) district.

The zoning resolution recognizes the state statute regarding local prohibition of mining but further provides that prior to actual extraction the area shall be properly zoned and all other applicable requirements of the zoning resolution shall be met. The effect and validity of this provision are uncertain in light of the statute (see 04999).

The zoning resolution allows as permitted uses any "customary accessory uses and structures" to any specified permitted use. Certain uses which have presently been listed as requiring amendments to the zoning resolution may actually be considered to be permitted accessory uses, especially in light of the state statute regarding local prohibition of mining.

Subdivision Control:

The county has a typical subdivision resolution pursuant to a state enabling statute (see 04999), except that the lot size exemption is 40 or more acres rather than the statutory 35 or more acres.

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.32.0
- C. AGENCY: Board of County Commissioners of Lincoln County, Wyoming, Planning and Zoning Commission
- D. AUTHORITY: W.S. 1977, §§ 18-5-301 et seq.

No person shall subdivide land, nor sell or offer for sale any interest in any subdivision, or commence construction of a subdivision without a valid subdivision permit.

- E. APPLICABLE REGULATIONS/STANDARDS: Resolution regulating subdivision of land in Lincoln County

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application form, preliminary plat, review from local Conservation District, proof of public notification, other data as detailed in Chapter III of Subdivision Regulations, See Chapter II, Section I, Chapter III, Chapter IV.

- H. PROCESSING REQUIREMENTS:

1. Number of Forms: Eight copies of preliminary plat; four copies of final plat.
2. Duration of Permit: 45 days
3. Conditions: Application will be considered at a meeting of Commission, publication of notice of intent to apply for permit (once a week for 2 weeks).
4. Fee Schedule/Bond: The greater of one hundred dollars (\$100.00) or ten dollars per lot, up to maximum of one thousand dollars. Three dollars per lot or 30% of subdivision fee, whichever is greater, payable to Conservation District.
5. Appeals: Appeal of a decision of the Commission shall be to Board. Reapplication for a permit which has been disapproved or denied shall include an affidavit to the Commission that the deficiencies have been corrected. On reapplication and denial or disapproval, a request for variance may be heard (See Chapter V, Section 6).

I. NATURE OF APPROVAL:

1. Form of Approval: Subdivision Permit issued and final plat signed by Commission and Board.
2. Duration of Permit: Approval void if not validated and recorded within one year.
3. Conditions: Evidence of financial resources.

16997

ZONING MATRIX

County: LINCOLN State: WYOMING

Zoning - None

Subdivision
Control

MINING

- Open Pit
- Underground
- Explosives

Processing

Refining

OFF-SITE/FACILITIES

- Buildings
- Construction Housing
- Airport/Heliport
- Health Facilities
- Radio Station/Microwave

PR
PR

UTILITIES

- Electrical Transmission
- Telephone/Telegraph Lines

TRANSPORTATION

- Roads
- Pipeline

ENVIRONMENTAL

- Dams and Water Storage
- Water Treatment Use and Disposal
- Waste Treatment and Disposal
- Landfill

Code: PR - permitted use of right

16999

GENERAL NOTES: LINCOLN COUNTY, WYOMING

Relevant Documents:

-Lincoln County Plan (1978).

-Lincoln County Subdivision Resolution (1976, as amended June 6, 1978).

-The county has no zoning or building code. Adoption of a building code and road standards is recommended in the Plan. The construction of county roads requires county approval.

-Lincoln County Flood Plain Resolution (requires building permit for identification of construction in designated flood plains for coordination of Federal Flood Insurance benefits).

A building permit is required. There is a two dollar fee, which is paid to the county clerk.

Subdivision Control:

The county has a typical subdivision resolution pursuant to a state enabling statute (see 04999).

17990

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.33.0
- C. AGENCY: Sublette County Planning and Zoning Commission, Board of County, Commissioners, Sublette County, Wyoming
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Sublette County Zoning Resolution and Map, Article IX
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to amend zoning resolution or map.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: At least 30 days
 - 3. Hearing Requirements/Notice: Public hearing before Commission after 30 days notice of time and place
 - 4. Fee Schedule/Bond: \$25.00 to cover the cost of advertising and procesing
 - 5. Appeals: If application is denied, a new application for the same zoning change or use is not eligible for reconsideration for 90 days after such denial. A new application must be substantially different from original to be eligible for consideration after 90 days.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Approval by official vote of a majority of the Board of County Commissioners

17991

- A. NAME OF PERMIT: Conditional Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.33.0
- C. AGENCY: Board of County Commissioners, Sublette County, Wyoming.
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: The Sublette County Zoning Resolution and Map Articles IV, VIII
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A request for a conditional use grant shall be submitted in writing to the County Board of Commissioners. The application shall be accompanied by appropriate data and any information necessary to properly evaluate the request.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The County Board of Commissioners shall report its decision within 90 days after the filing of the application.
 - 3. Hearing Requirements/Notice: The County Board of Commissioners, if it determines it is in the public interest, may schedule a public hearing on the application within 30 days after it is filed.
 - 5. Appeals: Decision of Board may be reviewed by District Court of Sublette County
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Board; appropriate record shall be made of land use and building certificates.
 - 2. Duration of Permit: Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional grant shall be terminated by action of the County Board of Commissioners.

3. Conditions: Zoning certificate required, Article VIII, Section 1
5. Renewal Procedures: No necessity to secure any certificate permitting such continuance, provided that the alteration of or addition to, any existing building or structure for the purpose of effecting any change in use within any area subject to provisions of this resolution may be regulated or prohibited by said resolution.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS:

- K. EXEMPTIONS: Under Article II, Section 8, the following uses are exempt: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any similar distributing equipment for telephone or other communications and electric power, oil, gas, water, and sewer lines; provided, however, that such uses shall be considered conditional uses subject to the provisions of Article IV.

- A. NAME OF PERMIT: Special Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.33.0
- C. AGENCY: Board of County Commissioners, Sublette County, Wyoming
- D. AUTHORITY: Zoning: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.

The removal, processing, refining or other treatment of earth substances, together with the exploration therefore, constitute a mining use and require a special use permit.

- E. APPLICABLE REGULATIONS/STANDARDS: The Sublette County Zoning Resolution and Map Articles IV, VI, VIII
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: See Sublette County Zoning Resolution; Article VI, Section 3a,c., Article IV, Section 2a, and Article VIII, Section 1
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The County Board of Commissioners shall report its decision within 90 days after the filing of the application.
 - 3. Hearing Requirements/Notice: The County Board of Commissioners, if it determines it is in the public interest, may schedule a public hearing on the application within 30 days after filing.
 - 5. Appeals: Decision of Board may be reviewed by District Court.
- I. NATURE OF APPROVAL:
 - 1. Form of approval: Consent of Board
 - 2. Duration of Permit: The grant to carry on a mining operation shall be effective only so long as the operation is actively producing minerals or other materials described above. Cessation of active mining operation for more than six months by the owner or operator for reasons other than unforeseen circumstances such as acts of God, labor strikes, and

equipment and materials shortages shall automatically terminate the grant to carry on a mining operation.

3. Conditions: The County Board of Commissioners may set forth conditions regarding appropriate setback and other dimensional requirements, particularly in regard to avoiding a nuisance effect on surrounding agricultural, residential, and commercial uses. Suitable fencing and landscaping may be required. Zoning certificate required - Article VIII, Section 1.
5. Renewal Procedures: Upon termination of the grant to carry on a mining operation, the owner or operator of the mining operation shall be required to comply with the prerequisite requirements listed above in Section G.

J. ASSOCIATED AND/OR FOLLOW-ON PERMITS:

K. EXISTING MINING OPERATIONS:

1. Within 6 months after the effective date of this resolution, the owners or operators of all existing mining operations shall submit to the County Board of Commissioners the names of mining operations owners and operators and information regarding present regulations.
2. Within 1 year after adoption of this resolution, the owners or operators shall submit to the County Board of Commissioners a plan for restoration of the mining site in accordance with regulations listed in Section G. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operation prior to enactment of this resolution.

17993

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.33.0
- C. AGENCY: Board of County Commissioners, Sublette County, Wyoming
- D. AUTHORITY: W.S. 1977, §§ 18-5-301 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Subdivision Resolution of the County of Sublette
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: The Board of County Commissioners will not issue zoning certificates for any structure on a lot in a subdivision for which a plat has not been approved and recorded.
- H. PROCESSING REQUIREMENTS:
 - 2. Staff Review Time: The Board will act on the final plat within forty days after the plat is presented to the Board.
 - 4. Fee Schedule/Bond: \$25.00 per lot for the first ten lots, \$15.00 per lot for each lot thereafter; and \$25.00 statutory fee. Bond (or possibly subdivision improvement agreement) is mandatory.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: The Board shall offer their signatures to the plat and attach a notation that it has been approved.
 - 3. Conditions: Any land used in violation of subdivision resolution shall be fined, not more than \$100.00 for each offense and each day's continuation of such violation is a separate offense.
 - 4. Reviews/Monitoring: County attorney and other duly authorized enforcement officials are empowered to enforce the provisions of the subdivision Resolution.
- K. OTHER: Before any final plat is presented to the Board, it should be reviewed by the County Engineer and/or County Surveyor and the County Attorney.

17997

ZONING MATRIX

County: SUBLETTE

State: WYOMING

	<u>Agricultural (A-1)</u>	<u>Resource Conservation (RC)</u>
Mining	SU	SU
Concrete Batch Mix Plant	A	A
Processing	SU	SU
Pre-Refining	SU	SU
HOUSING		
- Mobile Home Parks	SU	SU
- Other Housing	CU or A	A
COMMUNICATION/TRANSPORTATION		
- Radio Station/Microwave	A	A
- Fuel Pipeline	CU	CU
- Roads	?	?
- Airport/Heliport	CU	A
UTILITIES		
- Power Plant	A	CU
- Transmission Lines/ Substations	CU	CU
Health Facilities/Hospitals	CU	A
ENVIRONMENTAL		
- Dams & Reservoirs	CU	CU
- Water Treatment	A	CU
- Sewage Disposal Plant	CU	CU
- Solid Waste Disposal:		
(1) Landfill	SU	SU
(2) Incineration	A	A

Code:

PU - permitted use
SU - special use
A - amendment
CU - conditional use

17999

GENERAL NOTES: SUBLETTE COUNTY, WYOMING

Relevant Documents:

-Sublette County Comprehensive Plan (1978).

-Sublette County Zoning Resolution (1970).

(Note: a new zoning resolution is scheduled to be adopted prior to December 31, 1978).

Subdivision Resolution of Sublette County (1977).

Zoning:

A zoning certificate is required for any construction, alteration, use or occupancy of any structure or land or any change in such use or occupancy. Since a zoning certificate must issue upon compliance with the zoning resolution, it is the steps necessary for such compliance which are most significant. The County does not have a building code.

Almost all of the county is in either an "A-1" (Agricultural) or "RC" (Resource Conservation) district, in approximately equal proportions and with much intermixture. Thus these districts are both analyzed in the accompanying matrix.

Mineral exploration, removal, processing, and refining are permitted in A-1, RC, and several other districts, but only with a special use permit. An acceptable restoration plan is one requirement for such a permit. The zoning resolution makes no mention of the state statute regarding local prohibition of mining and is of questionable validity in this regard (see 04999).

Buildings closely associated with mining are presumably accessory uses subject to the same special use permit process as the mining itself. Other buildings, except as otherwise indicated herein or in the matrix, presumably will require rezoning to the appropriate urban use district.

Mobile homes and mobile home parks are special uses in both A-1 and RC districts. Other types of construction housing presumably will require rezoning to the appropriate urban use district. The Comprehensive Plan encourages clustering of new

housing so as to minimize costs of providing services. Mobile homes must meet State Department of Public Health standards.

Water distribution systems for domestic consumption shall not be maintained nor conducted until a permit therefor has been issued by the Board of County Commissioners. Such permit shall issue upon presentation of a certificate of acceptance by the Department of Public Health.

Subdivision Control:

The county has enacted a typical subdivision resolution pursuant to the state enabling statute (see 04999), except that the definition of "subdivision" lacks the 35 acres or more exemption and adds "other non-agricultural uses" to "residential, recreational, industrial, commercial or public uses." Also, "sale" is not defined. It is questionable whether any of these changes are legally significant.

- A. NAME OF PERMIT: Zoning Amendment
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.34.0
- C. AGENCY: Sweetwater County Planning Department, Board of County Commissioners
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Sweetwater County Zoning Resolution, Draft.

Amendments shall be of two types: (a) language amendments which seek to change the wording of the resolution; and (b) map amendments which seek to change the district boundary lines.

G. APPLICATION AND PREREQUISITE REQUIREMENTS:

1. Applications for amendments of either type shall be made to the Planning Department. The application shall include among other things: (1) the name and address of the applicant; (2) the applicant's interest in the application, i.e., whether owner of the land or structure affected or agent; (3) the name and address of other interested parties; (4) a legal description and a map of any area sought to be rezoned. The map shall show the relationship of the property to abutting properties; (5) the existing zoning district designation and the proposed designation; (6) the nature and the effect of the proposed amendment; (7) a time schedule for development in the case of map amendments; and (8) a statement on the legal basis for such an amendment, whether to correct an error or to recognize changing conditions.
2. Applications for amendments which seek to change the zoning map to allow for mineral exploration and mining shall include, in addition to items 1 through 8 above: (1) plans, sketches and narrative materials outlining the general scope and timing of the proposed operation; and (2) copies of materials required for State and federal approvals, as may be required by the Planning Department.

H. PROCESSING REQUIREMENTS:

1. Number of Forms: Planning Department may develop forms.
3. Hearing Requirements/Notice: The Planning Office shall assemble all comments, including its own, and schedule the matter for a public hearing before the Planning Commission and for a later public hearing before the Board of County Commissioners.
5. Appeals: A decision of the Planning Department may be appealed to the Board (See Section 4d,f). Decision of the Board may be appealed to the District Court.

I. NATURE OF APPROVAL:

1. Form of Approval: After its public hearing and after due deliberation, the Planning Commission shall certify its findings and recommendations on any proposed amendments to this resolution or to the Official Zoning Map to the Board of County Commissioners in writing.
3. Conditions: No application for the change of a zoning district classification shall be made by a property owner or his agent for any land area which has been the subject of a public hearing conducted by the Board of County Commissioners within the immediately preceding twelve (12) month period and which hearing resulted in a rejection of the proposed zoning. This limitation shall not apply to land for which a different zoning classification is sought than the one rejected by the Board.

K. AMENDMENTS FOR MINERAL EXTRACTION OR PRODUCTION:

1. All mineral extraction and/or production activity will take place in I-2 District, except that oil and gas extraction shall be a permitted use in any Agricultural District.
2. Applications for amendments to allow mineral extraction and production shall follow the amendment procedures outlined.
3. After the required public hearings have been held, and after consideration of the material required of the applicant for state and federal approvals, the

Board of County Commissioners may request that state or federal approvals be withheld pending recommended modifications, or impose such additional conditions and safeguards as they deem necessary to protect the surrounding environment or adjacent uses of land while yet permitting the reasonable extraction and production of the minerals in question.

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.34.0
- C. AGENCY: Board of County Commissioners of Sweetwater County and the Planning Department
- D. AUTHORITY: W.S. 1977, §§ 18-5-301 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Subdivision Regulations of Sweetwater County, Wyoming
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: A subdivision plat(s) required, Section 3b (See 3c for exemptions); procedures for platting - Section 5
- H. PROCESSING REQUIREMENTS:
 - 1. Number of forms: See Section 5-a-1, 6-2, c-3,4
 - 2. Staff Review Time: 5b-4,5
 - 3. Hearing Requirements/Notice: public notice must be given for Final Plat
 - 4. Fee Schedule/Bond: Each preliminary plat shall be accompanied by a minimum of \$50.00 plus \$2.00 for each lot; final plat -- minimum \$100.00 plus \$10.00 dollars for each lot - to a maximum fee of \$1,000.00; recording fee of \$50.00. See Section 8 for bonding.
 - 5. Appeals: Decision of planning department may be appealed to the Board
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: The Commission shall communicate its findings and recommendations to the Board of County Commissioners in writing.
 - 2. Duration of Permit: Sketch Plat -- six months, Preliminary Plat -- twelve months
 - 3. Conditions: See Section 5.
- K. OTHER: See 4b for information with respect to appeals; 4c - variances; 4e - vacation; 4f - penalties

- A. NAME OF PERMIT: Temporary Use Permit (Zoning)
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.34.0
- C. AGENCY: Planning Department of Sweetwater County
- D. AUTHORITY: W.S. 1977, §§ 18-5-201 et seq. and §§ 18-5-101 et seq.
- E. APPLICABLE REGULATIONS/STANDARDS: Sweetwater County, Wyoming Zoning Resolution, Draft.

Pursuant to the regulations of the Zoning Resolution, certain uses may be operated as Uses by Temporary Permit in any zone district and without the requirements that the Use occupy a designated Zone Lot.

- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application to Planning Department should include the name and address of the applicant person, firm or organization responsible for the operation of the permit.
- H. PROCESSING REQUIREMENTS:
 - 4. Fee Schedule/Bond: ten dollars
 - 5. Appeals: A decision of the Planning Department may be appealed to the Board (See Section 4d,f). Decision of the Board may be appealed to the District Court.
- I. NATURE OF APPROVAL:
 - 1. Form of Approval: Consent of Planning Department
 - 3. Conditions: The temporary permit is non-transferable.

18997

ZONING MATRIX

County: SWEETWATER
State: WYOMING

	Agricultural (A-1)	Resource Conservation (RC)
Mining	A	A
Concrete Batch Mix Plant Processing	A	A or TP
Pre-Refining	A	A
Temporary Construction Offices/ Yards	A	TP
HOUSING		
- Mobile Home Parks	A	A
- Other Housing	A	A
COMMUNICATIONS/TRANSPORTATION		
- Radio Station/Microwave	A	PU
- Fuel Pipeline	A	A
- Roads	?	?
- Airport/Heliport/Aircraft Landing Strips	A	PU
UTILITIES		
- Power Plant	A	A
- Transmission Lines/ Substations	A	PU
Health Facilities/Hospitals	PU	A
ENVIRONMENTAL		
- Dams and Reservoirs	A	A
- Water Treatment	A	A
- Sewage Disposal Plant	A	A
- Solid Waste Disposal:		
(1) Landfill	A	PU
(2) Incineration	A	A

Code:

PU - permitted use
A - amendment
TP - temporary use permit

GENERAL NOTES: SWEETWATER COUNTY, WYOMING

Relevant Documents:

- Final Land Use Plan (1977) (supersedes 1972 Comprehensive Plan).
- Sweetwater County Zoning Resolution (1972) (to be superseded by new zoning resolution currently in preparation).
- Subdivision Regulations of Sweetwater County (1977).

Zoning:

(References are to the existing zoning except where indicated by "Draft", which reference is to the 3rd "Draft Zoning Resolution," revised April 7, 1977.)

A zoning certificate is required for all construction, alteration, use, or occupancy, of any structure or land, or any change in such use or occupancy. In addition, under the draft zoning resolution a Certificate of Occupancy must be obtained from the Planning Department prior to the use or occupancy of any building or structure. Since a zoning permit must issue upon compliance with the zoning resolution, it is the steps necessary for such compliance which are most significant. The county does not have a building code.

Under the draft zoning resolution, no zoning permit shall be issued for the construction, alteration, or use of any structure intended for human use or occupancy unless it is connected to the public sewage system or has provision for a private on-lot sewage system meeting the standards of the State Department of Environmental Quality. Also, such structures must be adequately serviced by a private or public water system which meets all the standards of the State Department of Health and for which a permit has been issued by the County Sanitarian.

Most of the county is zoned "A" (Agricultural). In both the existing and draft zoning resolutions, only mineral exploration is permitted in the A district. Radio/TV transmission stations and towers, transmission lines, stations, towers, and essential public utility or service installations are also permitted in A under the draft resolution but are not mentioned at all in the existing resolution. Where a use is

not mentioned under the existing or draft resolution, it is assumed that a zoning amendment, or in some circumstances a variance, will be required. The draft zoning resolution does allow as permitted uses any accessory use which is clearly incidental to and commonly associated with the operation of a permitted use. (This accessory use can include permanent residential occupancy by owners and persons employed on the premises). Thus, once a zoning amendment is obtained reclassifying a district as "Heavy Industrial" (I-2), mining will be permitted and many of the activities listed on the Matrix as requiring an amendment (e.g. processing, pre-refining, etc.) will be allowed as accessory uses.

In both the existing and draft resolutions, mineral production, processing, separation and storage are permitted only in the industrial "I" district (existing) or I-2 district (Draft). Thus a zoning amendment to change districts will probably be required for such activity. In considering such a proposed amendment under either the existing or draft resolutions, the county may require various submissions and after review thereof, either: (1) request the withholding of necessary state or federal permits pending resolution of objectionable aspects of the proposal; or (2) impose conditions upon the rezoning to protect the environment or surrounding uses while permitting "reasonable" mining activity. The validity of this procedure is questionable in light of the state statute regarding local zoning prohibition of mining (see 04999).

District boundary amendments will probably also be required for development of airports, health facilities, and housing. The Final Land Use Plan encourages clustering of new housing and community facilities near existing towns.

Subdivision Control

The county has enacted a typical subdivision resolution pursuant to state enabling statute (see 04999).

19993

- A. NAME OF PERMIT: Subdivision Permit
- B. APPLICABILITY/DESCRIPTION: 0.0.0.0.0.0.35.0
- C. AGENCY: Board of County Commissioners of Uinta County, Wyoming, Planning and Zoning Commission
- D. AUTHORITY: W.S. 1977, §§ 18-5-301 et seq.

No person shall subdivide, sell, offer for sale or commence construction of a subdivision without a valid subdivision permit.

- E. APPLICABLE REGULATIONS/STANDARDS: Resolution regulating subdivision of land in Uinta County, Wyoming.
- G. APPLICATION AND PREREQUISITE REQUIREMENTS: Application form, preliminary plat, review from local Conservation District, proof of public notification, other data as detailed in Chapter III of Subdivision Regulations; see Chapter II, Section I, Chapter III,, Chapters III and IV.
- H. PROCESSING REQUIREMENTS:
 - 1. Number of Forms: Eight copies of preliminary plat; four copies of final plat.
 - 2. Duration of Permit: 45 days
 - 3. Conditions: Application will be considered at a meeting of Commission, publication of notice of intent to apply for permit (once a week for 2 weeks).
 - 4. Fee Schedule/Bond: The greater of one hundred dollars or ten dollars per lot, up to maximum of one thousand dollars. Three dollars per lot or 30% of subdivision fee, whichever is greater, payable to Conservation District.
 - 5. Appeals: Appeal of a decision of the Commission shall be to the Board. Reapplication for a permit which has been denied or disapproved should include an affidavit to the Commission that the deficiencies have been corrected. On reapplication and denial or disapproval, request for variance may be heard, (see Ch. V, Section 6).

I. NATURE OF APPROVAL:

1. Form of Approval: Subdivision Permit issued and final plat signed by Commission and Board.
2. Duration of Permit: Approval void if not validated and recorded within one year.
3. Conditions: Evidence of financial resources.

19997

ZONING MATRIX

County: UINTAH
State: WYOMING

Zoning - None

Subdivision
Control

MINING

- Open Pit
- Underground
- Explosives

PROCESSING

REFINING

OFF-SITE/FACILITIES

- Buildings
- Construction Housing
- Airport/Heliport
- Health Facilities
- Radio Station/Microwave

PR

PR

UTILITIES

- Electrical Transmission
- Telephone/Telegraph Lines

TRANSPORTATION

- Roads
- Pipeline

ENVIRONMENTAL

- Dams and Water Storage
- Water Treatment Use and Disposal
- Waste Treatment and Disposal
- Landfill

Code: PR - permitted use of right

19999

GENERAL NOTES: UINTA COUNTY, WYOMING

Relevant Documents:

-Uinta County Comprehensive Plan (1977).

-Uinta County Subdivision Resolution (1976). (To be superseded by new resolution currently being prepared and not available for review.)

-The county has no zoning. Adoption of permit systems for buildings, sewage disposal, private roads with access for county roads, and commercial/industrial development is recommended in the Plan. A permit system for commercial/industrial development is currently being prepared. The county has no building code. (The county has proposed a Flood Damage Resolution which contemplates the adoption of a building permit system, the purpose being to identify flood plain building for coordination of Federal flood insurance benefits). The construction of county roads requires approval from the county.

Subdivision Control:

The county has enacted a typical subdivision resolution pursuant to state enabling statute (see 04999).