



## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 950

[SATS No. WY-052-FOR; Docket ID: OSM-2026-0001;S1D1S SS08011000 SX064A000 266S180110;S2D2S SS08011000 SX064A000 26XS501520]

#### Wyoming Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed regulatory amendment to the Wyoming coal program (Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Wyoming submitted this proposed amendment to us, on its own initiative, following the Wyoming Environmental Quality Council's (EQC) and Wyoming Governor's approval of the proposed changes to its Land Quality Division (LQD) - Coal Rules on September 17, 2025, and October 29, 2025, respectively. Through this amendment, Wyoming is proposing to recognize a specific type of reclamation bond estimate adjustment that would not be considered a bond release request.

**DATES:** We will accept written comments on this amendment until 4:00 p.m., Mountain Time (M.T.) [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN *THE FEDERAL REGISTER*]. If requested, we may hold a public hearing or meeting on the amendment on [INSERT DATE 25 DAYS AFTER DATE OF PUBLICATION IN *THE FEDERAL REGISTER*]. We will accept requests to speak at a hearing until 4:00 p.m., M.T. on [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN *THE FEDERAL REGISTER*].

**ADDRESSES:** You may submit comments, identified by SATS No. WY-052-FOR, by

any of the following methods:

- *Mail/Hand Delivery*: Office of Surface Mining Reclamation and Enforcement, Attn: Jeffrey Fleischman, P.O. Box 11018, 100 East B Street, Room 4100, Casper, Wyoming 82602.
- *Fax*: (307) 261-6552.
- *Federal eRulemaking Portal*: The amendment has been assigned Docket ID: OSM-2026-0001. If you would like to submit comments, go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions*: All received submissions must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Comment Procedures” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket*: For access to the docket to review copies of the Wyoming program, this amendment, a listing of any scheduled public hearings or meetings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays.

Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602. Telephone: (307) 261-6550. Email: [jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

You may receive one free copy of the amendment by contacting OSMRE’s Casper Field Office, or read the full text of the program amendment at [www.regulations.gov](http://www.regulations.gov).

In addition, you may review a copy of the amendment during regular business hours at the following location: Attn: Brandi O’Brien, Administrator, Wyoming Department of Environmental Quality, Land Quality Division, 200 West 17<sup>th</sup> Street, Suite 10 Cheyenne, Wyoming 82002. Telephone: (307) 777-7757. Email: [brandi.obrien@wyo.gov](mailto:brandi.obrien@wyo.gov).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Fleischman, Field Office

Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street,  
Casper, Wyoming 82602. Telephone: (307) 261-6550. Email: [jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

## **SUPPLEMENTARY INFORMATION:**

- I. Background on the Wyoming Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

### **I. Background on the Wyoming Program**

Subject to OSM's oversight, section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved, State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Wyoming program in the November 26, 1980, *Federal Register* (45 FR 78637). You can also find later actions concerning the Wyoming program and program amendments at 30 CFR 950.10.

### **II. Description of the Proposed Amendment**

By letter dated January 15, 2026 (Administrative Record No. WY-052-01), Wyoming sent us an amendment to its program under SMCRA (30 U.S.C. 1201 et seq.). We found Wyoming's proposed amendment administratively complete on January 20, 2026. Wyoming submitted this proposed amendment to us, on its own initiative, following the Wyoming Environmental Quality Council's (EQC) and Wyoming

Governor's approval of the proposed changes to its Land Quality Division (LQD) - Coal Rules on September 17, 2025, and October 29, 2025, respectively.

At Wyoming Code of Wyoming Rules (WCWR) 20-0006-12, Section 2(e), which dictates Wyoming's requirements for bond adjustments, Wyoming first proposed to add "operational parameters" to its list of actions or circumstances that reduce the estimated reclamation cost for an operation. Second, Wyoming proposed to add another situation to its list of what would be considered a "bond adjustment" as opposed to a "bond release." Wyoming's proposed language would allow a decrease in the volume of material required to reclaim a final cut, pit, or void created at a surface mining operation by the permit holder or their designated entities to be considered a "bond adjustment."

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at [www.regulations.gov](http://www.regulations.gov).

### **III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Wyoming program.

#### *Electronic or Written Comments*

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period

(see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

#### *Public Availability of Comments*

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### *Public Hearing*

If you wish to speak at a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. M.T. on **[INSERT DATE 15 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record we request, if possible, that each person who speaks at the public hearing provide us with a written copy of their comments. The public hearing will continue until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak, and others present in the audience who wish to speak, have been heard.

#### *Public Meeting*

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the

amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

#### **IV. Procedural Determinations**

##### *Executive Order 12866 - Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993 (OMB Memo M-94-3), the approval of State program amendments is exempted from OMB review under Executive Order 12866.

##### *Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the *Federal Register* indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment.

We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

#### **List of Subjects in 30 CFR part 950**

Intergovernmental relations, Surface mining, Underground mining.

**Marcelo Calle**

*Acting Regional Director,  
Unified Regions 5, 7-11.*

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