



## **WS § 35-11-1206 INTERPRETATIONS**

### **No Lien**

If the property information indicates that the Owner took title prior to May 2, 1977, and neither consented to nor participated in nor exercised control over the mining activity which necessitated the reclamation, then clearly no lien will result.

### **Lien**

If the property information reveals that the Owner took title after May 2, 1977, or that the Owner consented to, participated in or exercised control over the mining activity which necessitated the reclamation, then a lien situation may exist.

### **Waiver of Lien**

- a. If the reclamation work performed on private land primarily benefits health, safety or environmental values of the greater community area in which the land is located.
- b. If the reclamation is necessitated by an unforeseen occurrence and the work performed to restore that land will not result in a significant increase in the market value of the land as it existed immediately before the occurrence.
- c. If the cost of filing the lien, including indirect cost to the State of Wyoming exceeds the increase in fair market value as a result of the reclamation activities.

## **W.S. § 35-11-1206. LIENS FOR RECLAMATION ON PRIVATE LANDS.**

- (a) Within six (6) months after the completion of projects to restore, reclaim, abate, control or prevent adverse effects of past coal or mineral mining practices on privately owned land, the administrator shall itemize the monies expended and may file a lien against the property with the appropriate county clerk. If the monies expended result in a significant increase in property value, a notarized appraisal by an independent appraiser shall be filed with the lien. The lien shall not exceed the cost of the reclamation work or the amount determined by the appraisal to be the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or mineral mining practices, whichever is less. No lien shall be filed under this section against the property of any person who owned the surface prior to May 2, 1977, and who neither consented to, participated in, nor exercised control over the mining operation which necessitated the reclamation project.
- (b) The landowner may petition the district court for the district in which the majority of the land is located within sixty (60) days of the filing of the lien to determine the increase in the fair market value of the land. The amount reported to be the increase in value of the premises, but not exceeding the cost of the reclamation work, shall constitute the amount of the lien and shall be recorded with the lien.
- (c) The lien provided in this section shall constitute a lien upon the land as of the date of the expenditure of the monies and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.