STATE OF WYOMING	)	IN THE DISTRICT COURT
	) ss.	
COUNTY OF NATRONA	)	SEVENTH JUDICIAL DISTRICT
PRISM LOGISTICS, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2024-CV-114516-D
	)	
BOARD OF COUNTY COMMISSIONERS OF NATRONA COUNTY,	)	
	)	
Respondent.	)	

ORDER ON PETITION FOR JUDICIAL REVIEW

The State of Wyoming, Board of Land Commissioners ("State Board") leased state land in Natrona County to Prism Logistics, LLC ("Prism"). [App. 2] The leases granted Prism "authority to explore for, extract, and remove sand, gravel, rock crushed for aggregate and borrow material" from the state land. [Id.] Subsequently, on September 17, 2024, the Board of County Commissioners of Natrona County ("County Board") amended the 2022 Natrona County Zoning Resolution to eliminate "Extractive Industries" as an allowed conditional use in Mountain Residential 1 ("MR-1") Zoning Districts where the state land is located. [R. at 59-61] Prism filed a Petition for Judicial Review, arguing that "any proposed application of this rule to State lands is contrary to Wyoming Constitutional law, [and] applicable statutory law giving that authority to the Office of State Lands and its promulgation of administrative rules." [Pet. at 2]

This Court concludes that Prism's leases are not subject to Natrona County's land use regulations, including the September 17, 2024 amendment.

ISSUES

The dispositive issues are:

> I. Whether Prism's Petition for Judicial Review is moot because Prism's leases have expired and were not renewed by the State Board.
>
> II. Whether Prism's leases are subject to Natrona County's land use regulations, including the September 17, 2024 amendment.

[Petr. Br. at 6; Resp. Br. at 3-4]

BACKGROUND

The Leases

On June 2, 2023, the State Board, as Lessor, and Prism, as Lessee, executed six "Rock and Assorted Minerals Leases": SG-01992, SG-01993, SG-01994, SG-01995, SG-01996, and SG-01997 (the "June 2023 Leases"). [App. 2] Each lease had a two-year term, commencing June 2, 2023, and ending June 1, 2025. [Id.] Four months later, on October 2, 2023, the State Board and Prism executed two additional "Rock and Assorted Minerals Leases": SG-02003 and SG-02004 (the "October 2023 Leases"). [Id.] These leases also had a two-year term, commencing October 2, 2023, and ending October 1, 2025. [Id.]

The eight leases contained similar language, granting Prism "authority to explore for, extract, and remove sand, gravel, rock crushed for aggregate and borrow material" from the state land described in the respective lease. [Id.] Under

each lease, Prism would be required to pay royalties and annual rent. [Id.] Prism would also be required to maintain the leased premises in a condition acceptable to the State Board "in conformance with Chapter 25 of the Board of Land Commissioners Rules and Regulations," and comply with the Wyoming Environmental Quality Act. [Id.]

Five of the leases required Prism to obtain a License to Explore for Minerals by Dozing from the Wyoming Department of Environmental Quality ("DEQ") Land Division. [Petr. Br. at 8] DEQ granted the licenses in November 2023. [Id.] In May 2024, Prism applied for a Limited Mining Operation ("LMO") permit from DEQ. [Id.] However, Prism was unable to proceed with the LMO application because it was caught in a regulatory deadlock: DEQ asserted that it needed approval from Natrona County first, and Natrona County asserted that it needed approval from DEQ first. [Id. at 8-9 (citing App. 1 at 13-15, 79)]

The Zoning Amendment

After learning of the leases and the prospect of Prism operating a gravel mine on Casper Mountain, Natrona County residents responded in various ways. Relevant here, a resident applied to amend the 2022 Natrona County Zoning Resolution. [R. at 1-3] More specifically, the resident applied to remove the "C" from the "MR-1" column and "Extractive Industries" line in the Table of Allowable Uses (Table 4.02-2). [Id. at 1-2, 16, 20, 59] Removing the "C" from this cross-section of the table would eliminate the ability of "Extractive Industries" to apply

for or obtain a Conditional Use Permit ("CUP") in MR-1 Zoning Districts where the state land leased to Prism is located. [Id. at 20, 21, 47, 59]

On September 17, 2024, the County Board held a public hearing on the proposed amendment. [Id. at 59-60; App. 1] At the hearing, staff provided a report on, and answered questions about, the proposed amendment. [R. at 59; App. 1 at 5-22] Staff explained that under the 2022 Natrona County Zoning Resolution, "extractive industries [were] only considered under the CUP process," which "allows a variety of beneficial factors to be addressed on a case-by-case basis while considering potential deterrence and negative consequences." [App. 1 at 8, 10] The proposed amendment would "result in extractive industries being prohibited in all of MR-1 zoning," which consists of "approximately 29 square miles along the face of Casper Mountain."[1] [Id. at 5-6] Staff went on to explain that, while the proposed amendment related to a potential CUP application, no application for a gravel pit was pending at that time. [*See* id. at 6] A commissioner noted the regulatory deadlock issue discussed above, and staff agreed that "it is a very convoluted and confusing kind of a circular logic type [] process"; "it's the chicken or the egg kind of thing." [Id. at 13-14] After public comment, the County Board voted to adopt the proposed amendment. [R. at 60, 61; App. 1 at 22-81, 93-94]

[1] Staff and the County Board estimated that approximately 85 to 90% of these 29 square miles is private property, approximately 1.5% is BLM land, and the remainder is state land. [App. 1 at 19-20, 22]

The Petition for Judicial Review & Complaint for Declaratory Judgment

On October 17, 2024, Prism filed its Petition for Judicial Review pursuant to Wyo. Stat. Ann. § 16-3-114(a), seeking judicial review of the September 17, 2024 amendment. [Pet.] Two months later, Prism filed a Complaint for Declaratory Judgment against the County Board and the State Board, seeking similar relief. These proceedings were stayed pending the outcome of the declaratory judgment action, Case No. 2024-CV-114716-D. After receiving briefing on whether the declaratory judgment action should be dismissed under *Heilig v. Wyoming Game & Fish Commission*, 2003 WY 27, 64 P.3d 734 (Wyo. 2003), and *Williams v. State ex rel. University of Wyoming Board of Trustees*, 2019 WY 90, 448 P.3d 222 (Wyo. 2019), the Court dismissed the declaratory judgment action, lifted the stay, and ordered briefing in this matter.

The Lease Renewal Denials & Petitions for Judicial Review

On June 5, 2025, the State Board denied Prism's applications to renew the June 2023 Leases. Prism filed a Petition for Judicial Review challenging that decision in Case No. 2025-CV-115337-D. Subsequently, on October 2, 2025, the State Board denied Prism's applications to renew the October 2023 Leases. Prism filed a separate Petition for Judicial Review challenging that decision in Case No. 2025-CV-115624-D. As noted below, the Court is simultaneously issuing a decision in Case No. 2025-CV-115337-D, reversing the State Board's decision not to renew the June 2023 Leases and remanding to the State Board for further

proceedings. Case No. 2025-CV-115624-D remains pending with briefing to begin later this month.

STANDARD OF REVIEW

The County Board is an agency under the Wyoming Administrative Procedure Act. Wyo. Stat. Ann. § 16-3-101(b)(i); *Northfork Citizens For Responsible Dev. v. Bd. of Cnty. Comm'rs of Park Cnty.,* 2010 WY 41, ¶ 50, 228 P.3d 838, 855 (Wyo. 2010); *Broek v. Cnty. of Washakie*, 2003 WY 164, ¶ 8, 82 P.3d 269, 274 (Wyo. 2003). Wyo. Stat. Ann. § 16-3-114(c) governs review of agency actions, providing in relevant part:

> (c) To the extent necessary to make a decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. In making the following determinations, the court shall review the whole record or those parts of it cited by a party and due account shall be taken of the rule of prejudicial error. The reviewing court shall:
>
> ....
>
> (ii) Hold unlawful and set aside agency action, findings and conclusions found to be:
>
> (A) Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;
>
> (B) Contrary to constitutional right, power, privilege or immunity;
>
> (C) In excess of statutory jurisdiction, authority or limitations or lacking statutory right;

Wyo. Stat. Ann. § 16-3-114(c)(ii)(A)–(C). [Petr. Br. at 10-11]

DISCUSSION

I. Prism's Petition for Judicial Review is not moot.

The County Board argues that the expiration of Prism's leases renders this administrative appeal moot and non-justiciable. [Resp. Br. at 3-4] The County Board reasons that "Prism's only 'legally recognizable interest' sufficient to confer standing arises from its status as a lessee of the [State] Board"; absent the leases, Prism cannot describe how it is "aggrieved" by the County Board's amendment and has no protectible legal interest; and "[a]ny hoped-for reversal of the [State] Board's non-renewal decision is a non-justiciable future, contingent, or merely speculative interest." [Id. at 4]

"[A] court should not hear a case where there has been a change in circumstances, occurring either before or after a case has been filed, that eliminates the controversy." *Powder River Basin Res. Council v. Wyoming Dep't of Env't Quality*, 2020 WY 127, ¶ 10, 473 P.3d 294, 297 (Wyo. 2020). "When no controversy exists, courts will not consume their time dealing with moot questions." *Id.*

> The doctrine of mootness encompasses those circumstances which destroy a previously justiciable controversy. This doctrine represents the time element of standing by requiring that the interests of the parties which were originally sufficient to confer standing persist throughout the duration of the suit. Thus, the central question in a mootness case is "whether decision of a once living dispute continues to be justified by a sufficient prospect that the decision will have an impact on the parties."

Id. (citation omitted). "A case is moot when the determination of an issue will have no practical effect on the existing controversy." *Id.* "Therefore, 'if events occur during the pendency of an appeal that cause a case to become moot or make determination of the issues unnecessary, [the Court] will dismiss it.' " *Id.* (citation omitted).

Although Prism's leases are critical to its standing to bring this administrative appeal, and the State Board denied Prism's applications to renew the leases, Prism has filed Petitions for Judicial Review challenging the State Board's decisions, and this Court is simultaneously issuing a decision in Case No. 2025-CV-115337-D, reversing the State Board's decision not to renew the June 2023 Leases and remanding to the State Board for further proceedings. Accordingly, this case is not moot.

II. Prism's leases are not subject to Natrona County's land use regulations, including the September 17, 2024 amendment.

Prism argues that "[t]his case presents two overarching questions: first, what statutes and regulations apply to the leased land, and second, what is the appropriate interpretation of the applicable statutes and regulations?" [Petr. Br. at 10] It contends that the Wyoming Constitution, Title 36 of the Wyoming Statutes, and the State Board's regulations apply to state-controlled and leased lands, rather than the general authority given to Counties in Title 18 of the Wyoming Statutes and any Natrona County zoning rules. [Id.] For the reasons set forth below, this Court agrees and rejects the County Board's arguments to the contrary. [Resp. Br. at 5-19]

A. Interpretation of Statutes and Agency Rules

This case requires the Court to interpret the statutes regarding state lands, the statutes regarding counties, and the State Board's rules. The Court's "goal in interpreting statutes is to give effect to the legislative intent," which it does "by looking to the plain language of a statute and considering all related statutes as a whole." *Teton Cnty. Bd. of Cnty. Comm'rs v. Bd. of Land Comm'rs*, 2025 WY 48, ¶ 10, 567 P.3d 675, 679 (Wyo. 2025) (quoting *State v. Uinta Cnty. Assessor*, 2024 WY 106, ¶ 27, 557 P.3d 298, 305 (Wyo. 2024)). The "longstanding method of statutory interpretation begins by first determining if the statute in question is 'clear and unambiguous' or 'ambiguous or subject to varying interpretations.' " *Id.* (quoting *Sinclair Wyo. Refin. Co. v. Infrassure, Ltd*, 2021 WY 65, ¶ 12, 486 P.3d 990, 994 (Wyo. 2021)). "Language is 'clear and unambiguous' when 'reasonable persons' would agree as to its meaning." *Id.* (quoting *Sinclair*, ¶ 12, 486 P.3d at 994). "When a statute is clear and unambiguous, the statute's plain language is given effect." *Id.* (quoting *Sinclair*, ¶ 12, 486 P.3d at 994).

"In discerning the legislature's intent, [the Court must] construe 'all statutes relating to the same subject or having some general purpose' *in pari materia*," and "giv[e] effect to every word, clause, and sentence." *Id.* ¶ 16, 567 P.3d at 681 (quoting *Wyo. Guardianship Corp. v. Wyo. State Hosp.*, 2018 WY 114, ¶ 12, 428 P.3d 424, 431 (Wyo. 2018)). The Court will "strive to avoid an interpretation that … renders a portion of the statute meaningless." *Id.* (quoting

Seherr-Thoss v. Teton Cnty. Bd. of Cnty. Comm'rs, 2014 WY 82, ¶ 19, 329 P.3d 936, 945 (Wyo. 2014)).

As to agency rules, "[a]n agency's 'rules and regulations, when adopted pursuant to statutory authority and properly promulgated, have the force and effect of law.' " *Uinta Cnty. Assessor*, ¶ 21, 557 P.3d at 304 (quoting *Richardson v. State ex rel. Wyo. Dep't of Health*, 2024 WY 47, ¶ 10, 547 P.3d 327, 330 (Wyo. 2024)). The Court interprets agency rules using the same rules it applies when interpreting statutes. *Id.* "This means [the Court] interpret[s] them according to the plain meaning of their language." *Id.*

B. Prism is Not Subject to Natrona County's Land Use Regulations under the Applicable Title 36 Statutes, the Applicable State Board Rules, or the Lease Terms.

The Wyoming Constitution establishes the State Board, which is composed of the Governor, Secretary of State, State Treasurer, State Auditor, and Superintendent of Public Instruction. Wyo. Const. art. 18, § 3. The State Board, "under direction of the legislature as limited by this constitution," is charged with the "direction, control, leasing and disposal of lands of the state granted, or which may be hereafter granted for the support and benefit of public schools[.]" *Id. See also* Wyo. Stat. Ann. § 36-2-101 (providing that the State Board shall "have the direction, control, leasing, care and disposal of all lands heretofore or hereafter granted or acquired by the state for the benefit and support of public schools or for any other purpose whatsoever, subject to the limitations contained

in the constitution of the state, and the laws enacted by the legislature"); *Teton Cnty.*, ¶ 3, 567 P.3d at 677.

Title 36 of the Wyoming Statutes addresses state lands. Broadly speaking, within Title 36 the Legislature has created two different statutory paths for the State Board to follow when it leases state lands: one path, Chapter 5, for leasing generally, including agricultural, grazing, commercial, industrial, and recreational leases; and another path, Chapter 6, for mineral leases specifically. Wyo. Stat. Ann. §§ 36-5-101 to 36-5-118 and §§ 36-6-101 to 36-6-302. The Legislature clearly marked the two separate paths by specifically excluding mineral leases under Chapter 6 from general leasing requirements under Chapter 5. Wyo. Stat. Ann. § 36-5-105(g) ("[T]his act shall not be applicable to the leasing of state mineral lands under the provisions of W.S. § 36-6-101 through 36-6-105, as amended."); Wyo. Stat. Ann. § 36-1-101(a)(viii) (defining the "act" as "W.S. 36-1-101 through 36-3-111, 36-5-101 through 36-7-510 and 36-9-101 through 36-9-121" "[u]nless the context indicates otherwise").[2]

Both Chapter 5 and Chapter 6 of Title 36 provide the State Board with rulemaking authority. However, the requirements for the rules are different. In Chapter 5, Wyo. Stat. Ann. § 36-5-114(d) states in relevant part:

> (d) The board shall promulgate rules and regulations implementing policies, procedures and standards for the **long-term leasing of state lands for industrial, commercial and recreational purposes under the**

[2] Effective March 12, 2025, the definition of the "act" under Wyo. Stat. Ann. § 36-1-101(a)(viii) includes an additional statute: Wyo. Stat. Ann. § 36-9-121 (County and municipal roads on state lands; easements granted; duties).

> **provisions of W.S. 36-5-114 through 36-5-117, including provisions requiring compliance with all applicable land use planning and zoning laws** and permitting the board to terminate a lease for good cause shown.

Wyo. Stat. Ann. § 36-5-114(d) (emphasis added). Accordingly, long-term leases of state land for industrial, commercial, and recreational purposes must comply with all applicable land use planning and zoning laws. *Id. See also Teton Cnty.*, ¶¶ 10–14, 567 P.3d at 679–80 (discussing this statute).

By contrast, in Chapter 6, Wyo. Stat. Ann. § 36-6-101(b) authorizes the State Board "to make and establish rules and regulations governing the issuance of oil and gas, coal and other mineral leases and covering the conduct of development and mining operations." Wyo. Stat. Ann. § 36-6-101(b). Noticeably absent from this statute is any requirement for mineral leases to comply with all applicable land-use planning and zoning laws. *Id.*; *Spreeman v. State*, 2012 WY 88, ¶ 13, 278 P.3d 1159, 1163 (Wyo. 2012) ("[A] basic tenet of statutory construction is that omission of words from a statute is considered to be an intentional act by the legislature, and this court will not read words into a statute when the legislature has chosen not to include them.") (citation omitted); *Teton Cnty.*, ¶ 14, 567 P.3d at 680 ("Had the legislature wanted to subject [Temporary Use Permits] to the conditions set out for leases in § 36-5-114(d), it would have done so."). The Legislature has not imposed the local zoning compliance requirements on mineral leases, and this Court is prohibited from reading those obligations into the statutes. *See Teton Cnty.*, ¶ 14, 567 P.3d at 680.

The State Board has made and established rules and regulations governing mineral leases pursuant to its authority under Wyo. Stat. Ann. § 36-6-101(b). Chapter 25 of its rules addresses "Leasing of Sand & Gravel, Borrow Material, & Rip-Rap Rock." Wyo. Off. of Lands & Invs., Rules & Regulations, Bd. of Land Comm'rs, Leasing of Sand & Gravel, Borrow Material, & Rip-Rap Rock, ch. 25, § 1 (2000) ("This chapter is adopted pursuant to the authority granted in W.S. 36-6-101(b)."). The rules define "[m]ineral" to mean "coal, trona/sodium, metallic & non-metallic rocks & minerals and associated minerals, clays, stones of various sorts, salts, and any and all substances formed by nature in or as rocks of the earth and recognized in law, geology, or by the courts as minerals." *Id.* § 2(e). The rules go on to provide that "[s]and and gravel, borrow material, and rip-rap rock leases shall be for a primary term of two (2) years." *Id.* § 8(a). "The term … may be extended beyond its primary term only as provided by law, by these rules, or by a specific lease provision." *Id.* § 8(b).

The State Board issued the June 2023 Leases and the October 2023 Leases pursuant to Title 36, Chapter 6 of the Wyoming Statutes, and Chapter 25 of its rules, as mineral leases. [App. 2] Because the June 2023 Leases and the October 2023 Leases are mineral leases, Wyo. Stat. Ann. § 36-5-114(d) does not apply and there is no statutory requirement for the leases to comply with county zoning requirements. Furthermore, Chapter 25 of the State Board's rules does not require compliance with county zoning requirements. *See* Wyo. Off. of Lands & Invs., Rules & Regulations, Bd. of Land Comm'rs, Leasing of Sand &

Gravel, Borrow Material, & Rip-Rap Rock, ch. 25 (2000). Finally, the leases themselves do not require compliance with county zoning requirements. [*See* App. 2] Accordingly, Prism is not subject to Natrona County's land use regulations under the applicable Title 36 statutes, the applicable Board rules, or the lease terms.

C. Wyo. Stat. Ann. § 18-5-201 – County Zoning Authority

To support its argument that the June 2023 Leases and the October 2023 Leases are subject to Natrona County's land use regulations, the County Board relies upon Wyo. Stat. Ann. § 18-5-201(a), which states that "[n]o 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," and the Wyoming Supreme Court's determination that sand and gravel are not minerals in *Miller Land & Mineral Company v. State Highway Commission of Wyoming*, 757 P.2d 1001 (Wyo. 1988) and *River Springs Limited Liability Company v. Board of County Commissioners of County of Teton*, 899 P.2d 1329 (Wyo. 1995). [Resp. Br. at 5-9] The County Board contends that, because extraction of gravel and sand do not constitute "the extraction or production of [] mineral resources" contemplated under Wyo. Stat. Ann. § 18-5-201(a), Prism's proposed activities are not beyond the regulatory authority of the County Board. [Id. at 6] The County Board further asserts that the State Board is "improperly treat[ing] the excavation of sand and gravel as 'mineral' extraction rather than as a commercial or industrial use," and cannot evade Wyo. Stat. Ann. § 36-5-

114(d)'s mandate that "leases for 'commercial' or 'industrial' uses comply with local zoning and land use regulations by administratively mis-characterizing sand and gravel excavation as 'mining.' " [Id. at 12-18]

1. Overview of Wyo. Stat. Ann. § 18-5-201(a), *Miller*, and *River Springs*

An overview of Wyo. Stat. Ann. § 18-5-201(a), *Miller*, and *River Springs* is necessary to place the County Board's argument in context. Natrona County is a political subdivision of the State of Wyoming, and its powers are exercised by the County Board. The Wyoming Legislature has granted county boards the authority to regulate land use within their counties. Wyo. Stat. Ann. § 18-5-201(a) states in relevant part:

> (a) To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town. **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.** No board of county commissioners shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations. Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to allow any board of county commissioners, through the establishment of minimum lot size requirements or otherwise, to prevent residential or agricultural uses authorized for land divisions that

> are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i).

Wyo. Stat. Ann. § 18-5-201(a) (emphasis added). *River Springs*, 899 P.2d at 1333 ("We understand the thrust of this statute to be that a board of county commissioners cannot inhibit the extraction or production of mineral resources in or under any lands otherwise subject to zoning.").[3]

In *Miller*, the Wyoming Supreme Court considered whether the district court erred in holding that gravel was not included in a mineral reservation in a deed that "[r]eserv[ed] unto Grantor, all minerals and mineral rights existing under" the land. 757 P.2d at 1001–03. To resolve this issue, the Court considered, as a matter of first impression, whether gravel is a mineral. *Id.* at 1003. In doing so, the Court rejected the appellant's arguments that gravel qualified as a mineral because (1) it was taxed as mineral production, (2) it was included in the definition of mineral in the Wyoming Environmental Quality Act, and (3) it was considered a mineral under a United States Supreme Court case. *Id.* The Court then acknowledged the difficulty courts have faced in determining whether gravel is a mineral. *Id.* at 1003–04.

[3] *River Springs* addressed a prior version of Wyo. Stat. Ann. § 18-5-201. 899 P.2d at 1332–33 (quoting Wyo. Stat. Ann. § 18-5-201 (1977)). However, the prior version is not materially different from the current version for purposes of this case. *Compare id.*, and Wyo. Stat. Ann. § 18-5-201(a). Both state 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." *Id.*

"In an effort to cut the Gordian Knot," the Court "join[ed] the vast majority of courts and [held] that gravel is not a mineral, and, insofar as gravel is concerned, [it] adopt[ed] what is commonly known as the 'ordinary and natural meaning' test articulated in *Heinatz v. Allen,* 147 Tex. 512, 217 S.W.2d 994, 997 (1949)":

> "In our opinion substances such as sand, gravel and limestone are not minerals within the ordinary and natural meaning of the word unless they are rare and exceptional in character or possess a peculiar property giving them special value, as for example sand that is valuable for making glass and limestone of such quality that it may profitably be manufactured into cement. Such substances, when they are useful only for building and road-making purposes, are not regarded as minerals in the ordinary and generally accepted meaning of the word."

Id. at 1004. Although the Court acknowledged that "this doctrine may not be free of criticism," it determined that the policy considerations in favor of the rule were significant in that the rule would "minimize title uncertainty and continued litigation to resolve factual issues."[4] *Id.*

[4] There were three separate concurrences in *Miller*. The first concurring Justice doubted that the test adopted by the majority would achieve its stated purpose, noting that "[t]he indefinite nature of the test is manifest in the test itself." *Miller*, 757 P.2d at 1005 (Rooney, Ret. J., concurring). He opined that "[t]he task of determining the existence of rare character, exceptional character, or peculiar property giving special value, is as difficult as determining the grantor's intent in using the word 'minerals' " and "[t]he fact that this particular substance—gravel—was purchased by the Highway Department for more than a meager sum would indicate it to be of special value." *Id.* (footnote omitted). The second concurring Justice would have preferred to adopt "the 'inherent value' versus 'circumstantial value' test[.]" *Id.* at 1007–08 (Thomas, J., specially concurring). The third concurring Justice would have preferred to "simply hold that gravel is

Approximately seven years later, in *River Springs*, the Wyoming Supreme Court "revisit[ed] the definition of minerals in the context of the language in Wyo. Stat. § 18-5-201 (1977), which limits the zoning authority of a board of county commissioners so it cannot 'prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto.' " 899 P.2d at 1330. The Court there had agreed to answer certified questions from the district court in two cases where the Teton County Board of Commissioners denied CUP applications. *Id.* at 1130–32. In the first case, River Springs Limited Liability Company ("River Springs") acquired 58 acres of unimproved property in Teton County and then applied for a CUP to excavate alluvial deposits to create asphalt. *Id.* at 1331. In the second case, Becho, Inc. and The Church of Jesus Christ of Latter-Day Saints (collectively "Becho") applied for a CUP to extract and process limestone from an existing quarry to produce gravel products for road base and riprap. *Id.* at 1332.

The primary issue in both cases was "whether sand, gravel, rock, and limestone are 'mineral resources' within the intent of Wyo. Stat. § 18-5-201." *Id.* at 1330. In addressing this issue, the Court was not persuaded to depart from the "ordinary and natural meaning" test that it adopted in *Miller*. *Id.* at 1333. Applying this test, the Court held that "Becho's limestone and other products and River Springs' sand, gravel, and rock [were] not 'minerals' within the context

---

not a mineral" to "eliminate litigation over this seemingly troublesome question." *Id.* at 1008. (Cardine, J., specially concurring).

of Wyo. Stat. § 18-5-201." *Id.* at 1333–34. It reasoned that "[n]either River Springs nor Becho assert[ed] that the sand, gravel, rock, or limestone being excavated is intended for any other purpose than that related to 'road-making.'" *Id.* at 1333. Accordingly, Teton County was free to apply its zoning and planning authority under the statute.[5] *Id.* at 1334.

2. Wyo. Stat. Ann. § 18-5-201 does not subject Prism to Natrona County's land use regulations, including the September 17, 2024 amendment.

The County Board's reliance on Wyo. Stat. Ann. § 18-5-201 and *River Springs* to support its argument that Prism is subject to Natrona County's land use regulations is misplaced for a simple reason: *River Springs* ***did not involve state land***. *See id.* at 1330–37. Consequently, *River Springs* did not have to, and therefore did not, grapple with the tension between the State Board's mineral leasing authority under Title 36, Chapter 6, and a county's authority under Title 18. *See id.* That *River Springs* did not involve state land is critically important given the Wyoming Supreme Court's recent decision in *Teton County Board of County Commissioners v. Board of Land Commissioners*, 2025 WY 48, 567 P.3d 675 (Wyo. 2025), which addressed the State Board's authority over state lands

[5] *River Springs* involved additional questions, not relevant here, regarding whether Becho had a "grandfathered" use and concerning regulatory authority. 899 P.2d at 1334–35 (holding that Becho had a "grandfathered" use that did not require it to seek a variance or a CUP), 1335–37 (addressing DEQ's and the county's respective authority to regulate activities depending on the circumstances).

under Title 36 and a county's authority under Title 18, in the context of Temporary Use Permits.

In *Teton County*, the State Board "granted two separate Temporary Use Permits (TUPs) to permittees allowing them to use state land for specified purposes." *Id.* ¶ 1, 567 P.3d at 677. "Subsequently, the Teton County Board of County Commissioners … issued abatement notices to the permittees." *Id.* The State Board sought "a declaration that it and its permittees are not subject to county land use and development regulations and that the [Teton] County Board lacked authority to enforce such regulations against the State Board and its permittees." *Id.* "[T]he district court granted summary judgment in favor of the State Board," the Teton County Board appealed, and the Wyoming Supreme Court affirmed. *Id.*

The dispositive issue on appeal was "whether Teton County's land use and development regulations are enforceable against the State Board and its permittees operating under a TUP." *Id.* ¶ 2, 567 P.3d at 677. In concluding that they were not, the Court rejected an argument that Wyo. Stat. Ann. § 18-5-201 required the State Board to comply with Teton County's land use and development regulations. *Id.* ¶¶ 15–20, 567 P.3d at 680–82. The Court "read § 18-5-201 (county zoning authority), § 36-2-107(a) (State Board authority over state lands), and § 36-5-114(d) (long-term leasing of state lands) together," while bearing in mind that "a county's authority 'to adopt a zoning ordinance is limited by state statute, and the general grant of power to [counties] to adopt zoning

laws in the interest of public welfare does not permit the local governing bodies to override the state law and the policies supporting it.'" *Id.* ¶ 18, 567 P.3d at 681 (quoting *Seherr-Thoss*, ¶ 24, 329 P.3d at 946); *K N Energy, Inc. v. City of Casper*, 755 P.2d 207, 210–11 (Wyo. 1988) (citation omitted) (recognizing that municipalities have "only the authority conferred by the legislature" and that in "deciding whether authority has been granted to a municipality ... we apply a rule of strict construction, resolving any doubt against the existence of the municipal power").

The Court went on to explain that if it read § 18-5-201 to give "counties an unrestricted ability to regulate state lands," it "would limit § 36-2-107(a)'s grant of broad authority to the State Board to regulate state lands." *Id.* ¶ 19, 567 P.3d at 681. The Court did not believe this was the Legislature's intent because the Legislature "has determined when the State Board must require compliance with local land use and development regulations—that is, in its long-term leases of state lands" under § 36-5-114(d). *Id.* To "conclude the State Board must comply with land use and development regulations in all instances including TUPs" would render § 36-5-114(d) unnecessary. *Id.*

Therefore, the Court concluded that "Section 18-5-201 does not subject the State Board or its permittees on state lands to county land use and development regulations," summarizing its reasoning as follows:

> The legislature has required compliance with county land use and development regulations when the State Board enters long-term leases; it did not require the State Board to comply with those regulations when it

> issues TUPs, and it did not grant the County Board authority to enforce those regulations when the State Board issues TUPs. *See Campbell Cnty. Bd. of Comm'rs v. Wyo. Horse Racing, LLC*, 2023 WY 10, ¶ 18, 523 P.3d 901, 906–07 (Wyo. 2023) ("It is well established a county has 'no sovereignty independent from that of the state, and the only power available to [it] is the power that has been delegated to [it] by the state.' " (citation omitted)).

Id. ¶¶ 19–20, 567 P.3d at 681–82.

The same rationale applies here. The Court must read § 18-5-201 (county zoning authority), § 36-6-101(b) (State Board mineral leasing authority), and § 36-5-114(d) (long-term leasing of state lands) together. *See id.* ¶ 18, 567 P.3d at 681. As noted above, and discussed in *Teton County*, the Legislature has required compliance with county land use and development regulations when the State Board enters "long-term leas[es] of state lands for industrial, commercial and recreational purposes." Wyo. Stat. Ann. § 36-5-114(d); *Teton Cnty.*, ¶¶ 19–20, 567 P.3d at 681–82. The Legislature has not required compliance with county land-use and development regulations when the State Board leases state land for mineral purposes, and it did not grant the County Board authority to enforce those regulations when the State Board issues mineral leases. Wyo. Stat. Ann. § 36-6-101(b). To hold otherwise would render the distinction between § 36-5-114(d) and § 36-6-101(b) meaningless and mean that every county has veto power over the State Board with respect to mineral leasing. Accordingly, this Court concludes that § 18-5-201 does not subject Prism to Natrona County's land use regulations, including the September 17, 2024 amendment.

3. The definition of "mineral" adopted in *Miller* and *River Springs* has no bearing on the definition of "mineral" for purposes of mineral leasing under Title 36, Chapter 6.

The Court disagrees with the County Board's suggestion that the State Board has unlawfully "evade[d] W.S. § 36-5-114(d)'s mandate that [State] Board leases for 'commercial' or 'industrial' uses comply with local zoning and land use regulations by administratively mis-characterizing sand and gravel excavation as 'mining.' " [Resp. Br. at 18] *River Springs* repeatedly limited its ruling to § 18-5-201. 899 P.2d at 1330–37. *River Springs* also acknowledged that the definition of "mineral" may vary depending on context, and that the definition of "mineral" in one context is not necessarily binding in another. *Id.* at 1336 n.3 ("The fact that the legislature has included sand, gravel, rock, and limestone in the definition of minerals subject to regulatory authority does not necessarily make them minerals for other purposes. As we stated, we do not consider it a cogent argument that gravel must be a 'mineral' because the Wyoming legislature included gravel in the definition of minerals for purposes of reclamation.") (internal citation omitted). That is no less true here than it was in *River Springs.*

Simply put, the definition of "mineral" that *Miller* adopted in the context of interpretation of a deed and that *River Springs* endorsed in the context of § 18-5-201 has no bearing on the definition of "mineral" for purposes of mineral leasing under Title 36, Chapter 6. The Legislature could have, but did not, define "mineral" for purposes of mineral leasing under Title 36, Chapter 6. *See* Wyo. Stat. Ann. §§ 36-6-101 to 36-6-302; *compare* Wyo. Stat. Ann. § 35-11-103(e)(ii)

(defining "minerals" for land quality purposes to mean "coal, clay, stone, sand, gravel, bentonite, scoria, rock, pumice, limestone, ballast rock, uranium, gypsum, feldspar, copper ore, iron ore, oil shale, trona, and any other material removed from the earth for reuse or further processing"). Instead, the Legislature authorized the State Board to promulgate rules regarding mineral leases. Wyo. Stat. Ann. § 36-6-101(b).[6] Pursuant to this statutory authority, the State Board, in 2000, adopted a different definition of "mineral" than *Miller* adopted in 1988 when interpreting a deed or that *River Springs* endorsed in 1995 for purposes of Wyo. Stat. Ann. § 18-5-201. The State Board had authority to do so; its inclusion of sand and gravel in the definition of "mineral" is not an anomaly, given that the

[6] The County Board argues that, "irrespective of *Miller* and *River Springs*, the many state land statutes governing [State] Board 'Mineral Leases' (see W.S. § 36-6-101 et seq.) cannot be properly construed as extending to gravel-extraction operations." [Resp. Br. at 13] More specifically, the County Board asserts that, under the doctrine of *ejusdem generis*, the words "other mineral leases" in Wyo. Stat. Ann. § 36-6-101(b) "must be construed as leases pertaining to other minerals like 'oil and gas [and] coal' (e.g. hydrocarbons)." [Id.] However, as the County Board acknowledges, the other statutes governing mineral leases include "uranium," which is not a hydrocarbon [id.], undermining their argument. *See, e.g.*, Wyo. Stat. Ann. § 36-6-102(a) (referencing "the leasing of any state or state school lands for coal, uranium or other mineral exploration"). That the Legislature has defined "minerals" elsewhere to include non-hydrocarbons further undermines the County Board's argument. Wyo. Stat. Ann. § 35-11-103(e)(ii) ("'Minerals' means coal, clay, stone, sand, gravel, bentonite, scoria, rock, pumice, limestone, ballast rock, uranium, gypsum, feldspar, copper ore, iron ore, oil shale, trona, and any other material removed from the earth for reuse or further processing"). Finally, the County Board does not explain what would qualify as a "mineral" if minerals are limited to hydrocarbons or address whether limiting minerals to hydrocarbons would render the reference to "other mineral leases" in Wyo. Stat. Ann. § 36-6-101(b) superfluous since oil, gas, and coal are already mentioned. For these reasons, this Court is not persuaded that the Legislature intended to limit the State Board's mineral leasing authority to hydrocarbons.

definition of "minerals" in Wyo. Stat. Ann. § 35-11-103(e)(ii) includes sand and gravel, and "[a]n agency's 'rules and regulations, when adopted pursuant to statutory authority and properly promulgated, have the force and effect of law.'" *Uinta Cnty. Assessor*, ¶ 21, 557 P.3d at 304.[7] To be sure, the County Board may disagree with the definition of "mineral" that the State Board adopted, but this Court has trouble seeing how the County Board can challenge the definition of "mineral" that the State Board adopted approximately 25 years ago, or the type of leases that it issued to Prism, in these proceedings.

For the foregoing reasons, this Court concludes that Prism's leases are not subject to Natrona County's land use regulations, including the September 17, 2024 amendment.

[7] The County Board asserts that the State Board's "own administrative definition of 'mineral' is contrary to its giving 'mining' leases to gravel and sand excavators" because the definition states that minerals are substances "recognized in law, geology, or by the courts as minerals." [Resp. Br. at 18] However, the definition of "mineral" that the State Board adopted is more expansive and inclusive than the County Board acknowledges. It includes "coal, trona/sodium, metallic & non-metallic rocks & minerals and associated minerals, clays, stones of various sorts, salts, and any and all substances formed by nature in or as rocks of the earth and recognized in law, geology, or by the courts as minerals." Wyo. Off. of Lands & Invs., Rules & Regulations, Bd. of Land Comm'rs, Leasing of Sand & Gravel, Borrow Material, & Rip-Rap Rock, ch. 25, § 2(e) (2000). Furthermore, as *Miller* acknowledged, defining what constitutes a "mineral" is, apparently, no easy task, courts have adopted various definitions and tests for determining what qualifies as a mineral, and some courts have recognized gravel as a mineral. 757 P.2d at 1003–04. Finally, even the test the Court adopted in *Miller* and endorsed in *River Springs* is not black-and-white.

CONCLUSION

Prism's Petition for Judicial Review is GRANTED. Prism's leases are not subject to Natrona County's land use regulations, including the September 17, 2024 amendment.

DATED: January 6, 2026.

BY THE COURT:

Joshua C. Eames
District Court Judge