

**TAKINGS CHECKLIST**

	<b>CRITERIA</b>	<b>YES</b>	<b>NO</b>
1.	Does the action affect private property? (If no, no further inquiry is necessary.)		
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)		
3.	Does the proposed action advance a statutory purpose?		
4.	Does the action result in permanent occupation of private property?		
5.	Does the action require the property owner to dedicate property or grant an easement?		
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		
7.	Does the character of the government action balance the public interest and private burdens?		
8.	Does the action deprive the owner of all economically viable uses of the property?		
9.	Does the action have a significant impact on the landowner's economic interest?		
10.	Does the action deny the owner a fundamental attribute of ownership?		
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		

***If these questions are answered yes, legal counsel should be consulted, for it is possible the proposed action will be a taking.***

## LAND QUALITY DIVISION

### COAL CHAPTER 14 – Exploration for Coal by Drilling

#### TAKINGS ANALYSIS

1. Private Property Affected? – YES

The proposed regulations are intended to regulate coal exploration by drilling which may take place on private property.

2. Mandated by State/Federal law? – NO

The proposed rule package was initiated by the Division in order to incorporate accepted practices and standards and provide consistency with the Wyoming State Engineers regulations and the Water Quality Division rules and regulations.

3. Advance Statutory Purpose? – YES

The proposed rules are intended to regulate coal exploration operations which allows the State to protect the environment while allowing private property owners to develop the resources found on the private property under the Environmental Quality Act at W.S. §35-11-102.

4. Permanent Occupation of Private Property? – NO

The proposed rules do not result in a permanent occupation of private property. The proposed rules define acceptable practices related to plugging and abandoning drill holes associated with coal exploration operations.

5. Dedication of property or grant an easement? – NO

The rules as proposed do not require the property owner to grant any dedications of property or grant an easement to the property.

6. Action interfere with investment-backed expectations? – NO

The proposed rules regulate an already heavily regulated field and do not impose additional substantial burdens to property owners.

7. Does character of government action balance public interest and private burdens? – YES

The proposed rules regulate coal drilling exploration operations while protecting the environment. The rules are intended to insure that operations are conducted in a manner that minimizes the impacts from exploration by drilling.

8. Action deprive owner of all economically viable uses of the property? – NO

The proposed rules do not preclude a private property owner from using the property in other economically viable uses of the land. The proposed revisions are only intended to clarify the requirements for proper abandonment of drill holes related to coal exploration.

9. Does the action have a significant impact on the landowner's economic interest? – NO

The proposed rules do not significantly impact the landowner's economic interest. The proposed revisions are intended to mirror accepted practices related to abandonment of drill holes which have been already promulgated by other state agencies and are intended to provide consistency with those standards.

10. Does the action deny the owner a fundamental attribute of ownership? – NO

The proposed rules do not deny the owner a fundamental attribute of ownership. First, the landowner would have to voluntarily subject themselves to the regulations by engaging in exploration activities. The proposed rules do not require any easements or for the landowner to give up any fundamental rights associated with the property.

11. Action serve same purpose that would be served by prohibition on use of land? – NO

The proposed rules are intended to allow for the development of mineral resources on the property while protecting the environment. Prohibition would not allow the development of the mineral resources.

12. Could be addressed in less restrictive manner? – NO

The proposed rules meet accepted standards already in use by industry.