

**Department of Environmental Quality
Rules of Practice and Procedure, Chapter 5
Takings Checklist Analysis for Proposed Revisions**

1. *Does the action affect private property?* No. The proposed changes update and clarify requirements applicable to rulemaking, petitions for award of costs and expenses under W.S. 35-11-437(f), director review involving surface coal mining operations, and hearings before the department.

No further inquiry is necessary, per the Wyoming Attorney General's Takings Checklist.

TAKINGS CHECKLIST

	CRITERIA	YES	NO
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.