

**Department of Environmental Quality**  
**Rules of Practice and Procedure Chapter 7**  
**Takings Checklist Analysis for Proposed Revisions**

1. *Does the action affect private property?* Yes. Chapter 7 regulates areas designated as rare or uncommon, which may include privately owned lands.
2. *Is the action mandated by State or federal law?* Yes. The updates to Chapter 7 are in response to legislative changes to W.S. 35-11-112-(a)(v).
3. *Does the proposed action advance a statutory purpose?* Yes. The proposed rules are written in response to legislative changes to W.S. 35-11-112-(a)(v).
4. *Does the action result in permanent occupation of private property?* No. The proposed revisions update the scope of authority of the Environmental Quality Council to only remove previous designations.
5. *Does the action require the property owner to dedicate property or grant an easement?* No. Since the statute removed the Environmental Quality Council's authority to designate new lands as rare or uncommon, and the chapter updates the process for removing a designation, no private property owners will be required to dedicate property or grant an easement.
6. *Does the regulatory action interfere with the owner's investment-backed expectations?* No. The proposed revisions do not contain any prohibitive requirements that affect private property owners.
7. *Does the character of the government action balance the public interest and private burdens?*  
Yes. The revisions are written in alignment with the statutory change that removes the authority of the Environmental Quality Council to designate any new areas.
8. *Does the action deprive the owner of all economically viable uses of the property?* No. The revisions are neither prohibitive of economically viable uses nor do they eliminate beneficial uses of the property.
9. *Does the action have a significant impact on the landowner's economic interest?* No. The revisions do not reduce or eliminate reasonable profitable uses of any property nor do they contribute to a severe reduction in property value.
10. *Does the action deny the owner a fundamental attribute of ownership?* No. The revisions do not deny property owners of the right to possess, exclude others, or dispose of all or a portion of their property.
11. *Does the action serve the same purpose that would be served by directly prohibiting use of the land?* No. Directly prohibiting use of the land would be much more restrictive than the proposed revisions.
12. *Could the problem which has necessitated the action be addressed in a less restrictive manner?*  
No. The proposed revisions have already removed the restrictions to private property.

## 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.*