

**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

### Uranium Recovery Program – New Chapters 1 through 10

#### TAKINGS ANALYSIS

1. Private Property Affected? – YES

The proposed regulations are intended to regulate Uranium Recovery 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 provide supporting regulations for Article 20 – Nuclear Regulatory Agreement (W.S §§ 35-11-2001 et seq.). In Article 20 the Governor was authorized to negotiate an agreement with the Nuclear Regulatory Commission to assume authority over source material from recovery or milling and byproduct material under Section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended. Under W.S. 35-11-2002, the EQC upon a recommendation from the Director is authorized to promulgate reasonable rules and regulations necessary to effectuate the purposes of Article 20. The proposed rules are not necessary unless WY pursues the agreement.

3. Advance Statutory Purpose? – YES

The proposed rules are intended to the reasonable rules and regulations necessary to effectuate the purposes of Article 20 as discussed in Number 2. above.

4. Permanent Occupation of Private Property? – NO

The proposed rules do not result in a permanent occupation of private property. The proposed rules are intended to meet the requirements for WY to assume regulatory authority as discussed in Number 1. above.

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 uranium recovery operations while protecting the environment and public health and safety. The rules are intended to insure that operations are conducted

in a manner that minimizes the impacts from uranium recovery.

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 lands which may be used for uranium recovery operations.

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 stand in place of Federal regulations which are already in place on landowners who chose to use the land for uranium recovery operations.

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. The landowner would have to voluntarily subject themselves to the regulations by engaging in uranium recovery operations. 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 and meet the minimum Federal requirements in order to assume regulatory authority. The uranium recovery operations are currently regulated by the Nuclear Regulatory Commission, and with the adoption of these rules the Land Quality Division steps into that role.