

**LAND QUALITY DIVISION (LQD)**  
**Noncoal Chapter 10**  
**Limited Mining Operations for Fifteen Acres or Less of Affected Land**  
**TAKINGS ANALYSIS**

1. Private Property Affected? – YES

Noncoal Chapter 10 provides regulations for operating Limited Mining Operations (LMO) which may be conducted on private property.

2. Mandated by State/Federal law? – NO

The proposed revisions to Noncoal Chapter 10 were drafted in response to legislative revisions to W.S. § 35-11-401(e)(vi). The proposed revisions provide consistency with the legislative changes made during the 2019 Legislative Session.

3. Advance Statutory Purpose? – NA

NA

4. Permanent Occupation of Private Property? – NO

The proposed regulations do not result in a permanent occupation of private property because they regulate a temporary land use.

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

The proposed rules do not require a 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 industry and do not impose additional substantial burdens to mining operations. The proposed rules are intended to allow the LQD to use personnel more efficiently for inspections and allow operators to renew LMO's for 5 years at a time.

7. Does character of government action balance public interest and private burdens? – NO

The proposed rules change the renewal process for Limited Mining Operations to a five (5) year period and remove the abandonment procedures.

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

The proposed revisions to Noncoal Chapter 10 apply to only one type of use of the property. The proposed rules do not preclude any other uses of the property.

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

The proposed rules would not significantly impact the landowner's economic interest because the proposed rules still allow a landowner to develop the mineral resources on a given piece of property.

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 proposed rules do not address ownership issues.

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

The proposed rules allow a person to continue to use land for limited mining operations. The proposed rules address the length of time a limited mining operation may continue and the requirements for extending that length of time.

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

The proposed rules are intended to increase the efficiency and effectiveness of the regulatory agency personnel while minimizing burdens on the regulated community.