

LAND QUALITY DIVISION (LQD)

Coal Chapter 2

Permit Application Requirements of Surface Coal Mining Operations

TAKINGS ANALYSIS

1. Private Property Affected? – YES

Coal Chapter 2 provides regulations for disposing of wind turbine blades and towers within the permit boundaries of coal mining operations which may be conducted on private property.

2. Mandated by State/Federal law? – NO

The proposed revisions to Coal Chapter 2 were drafted in response to legislative revisions to W.S. § 35-11-103(d)(ii)(E), (F), (G) and (iv), and W.S. § 35-11-402(a). The proposed revisions provide consistency with the legislative changes made during the 2020 Legislative Session in HB0129.

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 an operator to dispose of wind turbine blades and towers within the permit boundaries of a surface coal mining operation.

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

The proposed rules allow for disposal of wind turbine blades and towers.

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

The proposed revisions to Coal Chapter 2 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 and possibly generate additional revenue by disposing of the blades and towers.

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 surface coal mining operations. The proposed rules add an additional land use type or activity.

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

The proposed rules are intended provide additional details to the legislative changes contained in 2020 HB0129.