



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor



Todd Parfitt, Director

MEMORANDUM

TO: Matt VanWormer, Senior Assistant Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *KW 11/10/2020*

DATE: November 10, 2020

PRIORITY: HIGH – Deadline for response is November 24, 2020

SUBJECT: Request for review of proposed rules for statutory authority

Mr. VanWormer:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to promulgate revisions to Noncoal Chapter 5, Exploration by Dozing. The proposed revisions are intended to delineate between two types of exploration operations, those that are very small and regular exploration operations. The LQD Advisory Board reviewed the rules during meetings held on June 25, 2020 and on October 7, 2020. The Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council. The LQD is seeking a review of the proposed rules for statutory authority prior to submitting the rules to the Governor's Office for permission to proceed to formal rulemaking.

Attached you will find a copy of the draft rules, the takings analysis and a draft memo to the Governor seeking permission to proceed to formal rulemaking. If you have any questions or need additional information regarding the proposed rules please do not hesitate to contact me.

Attorney General's Response Options:

Proposed Rules are within the Division's statutory authority, Division may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking

Matt VanWormer

Signature: Matt VanWormer, Senior Assistant Attorney General

11-13-2020

Date