



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/2/22*

DATE: ~~February 8, 2022~~ *March 3*

PRIORITY: **HIGH** – Deadline for response is ~~February 22, 2022~~ *March*

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 9, Permit Application Requirements for Small Mining Operations. The proposed revisions are intended to comply with legislative changes regarding permit fees and public involvement in permitting actions, and address WY Attorney General's statutory review comments. The LQD Advisory Board reviewed the rules during meetings held on August 19, 2021 and December 9, 2021. 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 3-9-22
Date