

TAKINGS CHECKLIST

Air Quality Division Rulemaking: Chapter 2, Section 12; Chapter 3, Section 9; Chapter 4, Section 4; Chapter 4, Section 6; Chapter 5, Section 2; Chapter 5, Section 3; Chapter 5, Section 4; Chapter 8, Section 10; Chapter 11, Section 2; Chapter 14, Section 5 (R-35); *note – miscellaneous non-substantive proposed revisions occur in various other sections of the aforementioned chapters.*

Date Checklist Completed: September 18, 2023

	CRITERIA	YES	NO
1.	Does the action affect private property? (If no, no further inquiry is necessary.)	X	
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)	X	
3.	Does the proposed action advance a statutory purpose?	X	
4.	Does the proposed action result in permanent occupation of private property?		X
5.	Does the action require the property owner to dedicate property or grant an easement?		X
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		X
7.	Does the character of the government action balance the public interest and private burdens?	X	
8.	Does the action deprive the owner of all economically viable uses of the property?		X
9.	Does the action have a significant impact on the landowner's economic interest?		X
10.	Does the action deny the owner of a fundamental attribute of ownership?		X
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		X
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		X