



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: David Dewald, Deputy Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *KW 1/10/24*

DATE: January 10, 2024

PRIORITY: HIGH – Deadline for response is January 24, 2024

SUBJECT: Request for review of proposed rules for statutory authority

Mr. Dewald:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to promulgate revisions to Coal Chapter 14 – Exploration for Coal by Drilling. The proposed revisions to Chapter 14 were drafted in response to the Office of Surface Mining Reclamation and Enforcement October 24, 2023 concern letter regarding a previously submitted formal amendment package. The LQD Advisory Board reviewed Chapter 14 during a meeting held on December 14, 2023. 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

David Dewald
 Signature: David Dewald, Deputy Attorney General

1/12/24
 Date