

**Water Quality Rules and Regulations Chapter 1
Takings Checklist Analysis for Proposed Revisions**

1. *Does the action affect private property?* Yes. The proposed revisions to Chapter 1 may indirectly impact private property if the private property is associated with a permitted discharge. However, the revisions allow more flexibility in the derivation of water quality-based effluent limitations due to the inclusion of additional methods for deriving low flow and minor modifications to aquatic life, drinking water, and human consumption of fish criteria.
2. *Is the action mandated by State or federal law?* Yes. The federal Clean Water Act, 33 United States Code (U.S.C.) § 1251 et seq., requires states to review, and revise as necessary, surface water quality standards every three years. The Wyoming Environmental Quality Act, W.S. § 35-11-302(a), requires the Water Quality Division Administrator to recommend rules to the Director that prescribe water quality standards.
3. *Does the proposed action advance a statutory purpose?* Yes, the proposed action updates surface water quality standards, a requirement of the Water Quality Division Administrator per W.S. § 35-11-302(a)(i).
4. *Does the action result in permanent occupation of private property?* No, the proposed revisions do not require any permanent occupation of private property since the revisions only impact surface water quality standards and any associated effluent limitations for permitted discharges.
5. *Does the action require the property owner to dedicate property or grant an easement?* No. The proposed revisions only impact surface water quality standards and any associated effluent limitations for permitted discharges.
6. *Does the regulatory action interfere with the owner's investment-backed expectations?* No. The proposed revisions only impact surface water quality standards and any associated effluent limitations for permitted discharges.
7. *Does the character of the government action balance the public interest and private burdens?* Yes, the proposed revisions balance public interest and private burdens. The addition of durations and frequency elements to aquatic life, drinking water, and human consumption of fish criteria and recognition of natural variability in parameters such as dissolved oxygen and turbidity are consistent with scientific understanding of the conditions necessary to protect designated uses, but also recognize the social and economic impacts associated with public and private entities required to meet water quality criteria.
8. *Does the action deprive the owner of all economically viable uses of the property?* No. The proposed revisions are not anticipated to change the economic viability of any property because the revisions are primarily related to consolidation and clarification. Proposed revisions related to water quality criteria are consistent with scientific understanding of the conditions are necessary to protect designated uses, including durations of exposure, frequencies of exceedances, and natural variability in parameters such as dissolved oxygen and turbidity.

9. *Does the action have a significant impact on the landowner's economic interest?* No. The proposed revisions are not anticipated to change a landowner's economic interest because the revisions are primarily related to consolidation and clarification.

10. *Does the action deny the owner a fundamental attribute of ownership?* No. The proposed revisions do not deny property owners the right to possess, exclude others, or dispose of all or a portion of their property. Proposed revisions related to water quality criteria are consistent with scientific understanding of the conditions are necessary to protect designated uses, including durations of exposure, frequencies of exceedances, and natural variability in parameters such as dissolved oxygen and turbidity.

11. *Does the action serve the same purpose that would be served by directly prohibiting use of the land?* No. The proposed revisions do not prohibit the use of the land.

12. *Could the problem which has necessitated the action be addressed in a less restrictive manner?* N/A. The proposed revisions are not anticipated to be restrictive but should instead provide greater flexibility in implementing water quality criteria for protection of drinking water and aquatic life.