



Department of Environmental Quality

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



FILED

Todd Parfitt, Director

Matthew H. Mead, Governor

JUL 08 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

Takings Analysis Water Quality Rules and Regulations, Chapter 1 Wyoming Surface Water Quality Standards

The following analysis is provided to comply with the 2013 revisions to W.S. 16-3-103(a), which take effect July 1, 2013.

TAKINGS CHECKLIST

		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.)		
3.	Does the proposed action advance a statutory purpose?		
4.	Does the action result in permanent occupation of private property?		
5.	Does the action require the property owner to dedicate property or grant an easement?		
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		
7.	Does the character of the government action balance the public interest and private burdens?		
8.	Does the action deprive the owner of all economically viable uses of the property?		
9.	Does the action have a significant impact on the landowner's economic interest?		
10.	Does the action deny the owner a fundamental attribute of ownership?		
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		

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Chapter 1 of the Wyoming Water Quality Rules contains water quality standards to protect designated uses of surface waters in Wyoming, including agriculture, fisheries, industry, drinking water, recreation, scenic value, aquatic life other than fish, wildlife and fish consumption. The proposed revisions to Wyoming's surface water quality standards in Chapter 1 advance the statutory purposes expressed in W.S. 35-11-102 and are mandated by W.S. 35-11-302(a)(i) and 33 U.S.C. 1313 of the federal Clean Water Act. Pursuant to W.S. 35-11-1104(a)(iii), these surface water quality standards do not regulate water rights or allocations administered by the State Engineer or State Board of Control. Since Article 8, Section 1 of the Wyoming Constitution declares all natural surface waters within Wyoming to be the property of the State, the Wyoming Department of Environmental Quality does not consider the proposed revisions that prescribe water quality standards to protect designated uses of the State's property to be a "private" property issue.

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