



DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No. WY-055-FOR; Docket ID No. OSM-2025-0002; S1D1S SS08009000 SX064A000 278S180110; S2D2S SS08009000 SX064A000 27XS501520; S2R2B SS08009000 SX064A000 22XS5015I]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approving

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Wyoming regulatory program (Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The Wyoming Land Quality Division (WLQD) submitted this proposed amendment in response to our January 19, 2024 partial approval of an amendment to WLQD's regulations for coal exploration by drilling (SATS No. WY-050-FOR; Docket ID No. OSM-2021-0004). In the final rule, under the heading "Revisions to Wyoming's Rules That We Are Not Approving," OSM listed several provisions containing typographical errors that WLQD would need to correct through future rulemaking. WLQD now proposes those corrections with this amendment (SATS No. WY-055-FOR; Docket ID No. OSM-2025-0002).

DATES: The effective date is [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 4100; Casper, Wyoming 82602. Telephone: (307) 261-6550. Email: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

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I. Background on the Wyoming Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with SMCRA and consistent with the Federal implementing regulations. *See* 30 USC 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning the Wyoming program and amendments thereto at 30 CFR 950.10, 950.12, 950.15, 950.16, and 950.20.

II. Submission of the Amendment

Between 1978 and 2007, the Wyoming State legislature enacted a number of revisions to its statutes governing coal exploration by drilling. The proposed statutory revisions reflected organizational updates at WLQD, corrected typographical errors, provided more detailed instructions for plugging and sealing drill holes, incorporated provisions for the

awarding of attorney fees and other litigation costs, and included more detailed instructions for bond release. In addition to the statutory changes, on March 2, 2016, the Wyoming Environmental Quality Council approved several revisions to Chapter 14 of the Land Quality Division Coal Rules and Regulations governing coal exploration by drilling, which were last updated in 1998. Specifically, the rules were updated to include best management practices and standards adopted by the Wyoming State Engineer's Office that conform with accepted practices established by the American Society for Testing and Materials, the American Water Works Association, and the Wyoming DEQ - Water Quality Division regulations. Other revisions included a list of acceptable grout materials, requirements to plug and immediately cap the entire drill hole, additional identification numbers to facilitate inspections, and minor formatting and organizational changes. Accordingly, by letter dated June 4, 2021, the State proposed to OSM these statutory and regulatory changes on its own initiative.

On January 19, 2024, OSM approved, with exceptions, the WY-050-FOR amendment, effective February 20, 2024 (89 FR 3562). In the final rule, under the heading "Revisions to Wyoming's Rules That We Are Not Approving," OSM noted an inadvertent word-swap in the language proposed for chapter 14, subsection 3(a) addressing reclamation of drill sites and ancillary roads: specifically, the word "location" was used instead of the previously approved word "condition," rendering the rule illogical. OSM also noted that WLQD, in referencing its own "Land Quality Division Coal Rules and Regulations" in the language proposed for chapter 14, subsections 3(c), 3(d), 3(e), and 4(d), omitted the word "Division" and that made the title of these regulations incomplete.

As laid out in the final rule, by letter dated October 24, 2023, OSM informed WLQD of these typographical errors and the need to correct them, while offering to delay rulemaking under WY-050-FOR to accommodate the corrections. WLQD responded by

letter dated November 22, 2023, that, although they had taken the initial steps to address OSM's concerns, the State's internal rulemaking processes would preclude WLQD from making the corrections within the allowable timeframe. WLQD subsequently undertook rulemaking to correct the minor errors; the revised rules were approved by the Environmental Quality Council on October 23, 2024, filed with the Wyoming Secretary of State on January 3, 2025, and transmitted to OSM on January 22, 2025. In the January 22, 2025 revisions, WLQD included additional minor corrections noted during OSM's initial review of the original amendment and communicated to the State by email on July 27, 2021. Specifically, OSM pointed out that, in the language proposed for chapter 14, subsection 2(e)(iii), the word "part" was misspelled "peart;" at subsection 2(g), the punctuation directly after the first use of "shall" should probably have been a colon instead of a semicolon; and at subsection 2(h), the punctuation directly after the second use of the term "material" should probably have been a period instead of a comma. During OSM's initial review of the January 22, 2025 revision package, OSM noticed a new typographical error that was introduced during the rulemaking to correct the previously identified errors. Specifically, in the required correction to chapter 14, subsection 3(e), in referencing its Land Quality Division Coal Rules and Regulations, WLQD transposed the words "Coal" and "Division" forming the incorrect title for these regulations as "Land Quality Coal Division Rules and Regulations." OSM communicated this discrepancy to WLQD which was able to make the correction using its own streamlined process for non-substantive changes that do not require formal rulemaking. Accordingly, on February 7, 2025, WLQD retransmitted a corrected copy of the January 22, 2025 submittal for OSM's review.

III. OSM's Findings

The following are the findings OSM made concerning the amendment under SMCRA and the Federal implementing regulations at 30 CFR 732.15 and 732.17. OSM is

approving the amendment as described below. The full text of the approved amendment is available online at www.regulations.gov.

A. Minor Revisions to Wyoming's Rules

WLQD proposed minor spelling and grammatical and organizational changes to Chapter 14 of the Land Quality Division Coal Rules and Regulations. WLQD did not propose any substantive changes to the text of these previously approved regulations. Because the proposed revisions are minor and result in no substantive changes to the Wyoming program, OSM is approving the changes and find that they are no less effective than the corresponding Federal regulations at 30 CFR parts 700 to 887. The specific, minor revisions to the Code of Wyoming Rules are as follows:

- Chapter 14, subsection 2(e)(iii): spelling error (“peart” corrected as “part”);
- Chapter 14, subsection 2(g): punctuation error (semicolon struck and replaced with colon);
- Chapter 14, subsection 2(h): punctuation error (comma struck and replaced with full stop);
- Chapter 14, subsection 3(a): word-swap (“location” struck and replaced with “condition”);
- Chapter 14, subsection 3(c): word omission (“Division” inserted between “Quality” and “Coal”);
- Chapter 14, subsection 3(d): word omission (“Division” inserted between “Quality” and “Coal”);
- Chapter 14, subsection 3(e): word omission and transposition (“Coal” erroneously inserted between “Quality” and “Division”; Wyoming subsequently rectified this initial correction attempt by properly relocating “Coal” between “Division” and “Rules”); and

- Chapter 14, subsection 4(d): word omission (“Division” inserted between “Quality” and “Coal”).

IV. Summary and Disposition of Comments

Public Comments

OSM asked for public comments on the amendment; three comments were received. One commenter submitted a poem about the virtues of “beautiful, clean coal.” OSM thanks the poet for their time but finds the comment to be outside the scope of this rulemaking about proposed revisions to the Wyoming program. Another commenter expressed frustration with WLQD’s typographical mistakes and broader concerns with the fossil fuel industry. The comments about the merits of companies that extract fossil fuels are outside the scope of this rulemaking, but OSM does agree with the commenter about the importance of proper spelling and grammar generally, and in the rulemaking arena specifically. However, typographical errors in proposed or final rulemakings are not grounds to require a State to “start over” and the Federal regulations at 30 CFR 732.17(h) allow for partial approvals of amendments and subsequent rulemakings to incorporate required revisions. Here, OSM and WLQD followed the process laid out at 30 CFR 732.17(h) by not approving earlier proposed rules that contained errors and correcting those errors in this proposed amendment.

The third commenter provided a variety of recommendations regarding OSM’s Tribal engagement process for amendments, including: 1) conduct comprehensive legal and technical pre-approval reviews of all proposed amendments, with attention to how changes affect Tribal interests; 2) implement mandatory Tribal consultation for all program amendments under SMCRA that involve shared watersheds, adjacent lands, or potential cultural resource impacts; 3) distribute plain-language summaries of proposed rule changes to Tribal Historic Preservation Officers (THPO) and Tribal environmental departments; and 4) institutionalize Tribal feedback into SMCRA implementation

guidance for state program officials.

While the comment was focused on OSM's Tribal engagement process for amendments generally, which is outside the scope of this rulemaking, OSM addresses the suggestions for this proposed amendment specifically. With respect to the first recommendation, these steps are already integrated into OSM's review process: *see* OSM Directive 979 entitled, "REG-18," which implements Executive Order 13175, Presidential Memorandum on Tribal Consultation dated November 9, 2009, and Secretarial Order 3317; OSM Standard Operating Procedure 3000-01; and Department of the Interior Departmental Manual part 512, chapters 4 and 5. With respect to the second recommendation, OSM reached out to 42 federally recognized Tribes with an actual or potential interest in the Wyoming program by electronic and hard copy letter dated October 7, 2025. OSM did not receive any substantive comments or requests for consultation or further discussion on the amendment in response to this letter. With respect to the third recommendation, OSM always strives to write in plain language, as required by the Plain Writing Act of 2010, and incorporated this practice as part of OSM's October 7, 2025 Tribal consultation initiation letter. Finally, the fourth recommendation is outside the scope of this rulemaking but OSM conveyed the recommendation to the Program Support Directorate, which has responsibility for the development of guidance for state program implementation at OSM.

Federal Agency Comments

On March 13, 2025, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, OSM requested comments on the amendment from various Federal agencies with an actual or potential interest in the Wyoming program. OSM did not receive any comments.

V. OSM's Decision

Section 503(a) of SMCRA requires that the State program demonstrate the State has the capability of carrying out the provisions of SMCRA and meeting its purposes. SMCRA

requires consistency between State and Federal standards. Based on the above findings, OSM approves the Wyoming amendment submitted on February 7, 2025. To implement this decision, OSM is amending the Federal regulations at 30 CFR 950.15 that codify decisions concerning the Wyoming program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Procedural Determinations

Executive Order 12630 – Governmental Actions and Interference with Constitutionally Protected Property Rights

This rule would not effect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review, 13563—Improving Regulation and Regulatory Review

Executive Order 12866, as amended by Executive Order 13563, provides that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988 - Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its proposed legislation and regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal

standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the Cabinet proposed.

Executive Order 13132 - Federalism

This rule is not a “[p]olicy that [has] federalism implications” as defined by section 1(a) of Executive Order 13132 because it does not have “substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.”

Instead, this rule approves an amendment to the Wyoming program submitted and drafted by that State. OSM reviewed the submission with fundamental federalism principles in mind as set forth in sections 2 and 3 of the Executive Order and with the principles of cooperative federalism set forth in SMCRA. *See, e.g.,* 30 U.S.C. 1201(f). As such, pursuant to section 503(a)(1) and (7) (30 U.S.C. 1253(a)(1) and (7)), OSM reviewed the program amendment to ensure that it is “in accordance with” the requirements of SMCRA and “consistent with” the Federal implementing regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. By electronic and hard copy letter dated October 7, 2025, and in line with the Department’s consultation policy and Executive Order 13175, OSM invited 42 federally recognized Tribes with an actual or potential interest in the Wyoming program to consult on the amendment. OSM

did not receive any substantive comments or requests for consultation or further discussion on the amendment in response to this letter.

Executive Order 13211 —Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d)) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Director of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities.

In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined to not constitute a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined to not impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR part 950

Intergovernmental relations, surface mining, underground mining.

Jeffrey Fleischman,
Acting Regional Director
Interior Regions 5, 7-11

For the reasons set out in the preamble, 30 CFR part 950 is amended as set forth

below:

PART 950 – Wyoming

1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 950.15, amend the table by adding an entry for “February 7, 2025” at the end of the table to read as follows:

§ 950.15 Approval of Wyoming regulatory program amendments.

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Original amendment submission date	Date of final publication	Citation/description
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February 7, 2025	[Insert date of publication in the Federal Register]	LQD Rules, Ch XIV, §§ 2(e)(iii), 2(g), 2(h), 3(a), 3(c), 3(d), 3(e), 4(d) Minor typographical corrections.