

**RULES AND REGULATIONS
BOARD OF LAND COMMISSIONERS**

Chapter 16

Surface and Subsurface Survey Activities

Section 1. Authority

This chapter is promulgated under authority of W.S. 36-2-107.

Section 2. Definitions

As used in this chapter:

(a) "Board" means the Board of Land Commissioners.

(b) "Director" means the Director of the Office of State Lands and Investments.

(c) "Geophysical/Seismic Survey" means an activity relating to the search for evidence of oil and gas which requires the physical presence upon the lands.

~~(e)~~(d) "Office" means the Office of State Lands and Investments.

~~(d)~~(e) "State lands" means all lands under the jurisdiction of the Board of Land Commissioners.

~~(e)~~(f) "Subsurface lessee" means a holder of a subsurface resource lease issued in accordance with Chapters 18-25 of the Board's rules.

~~(f)~~(g) "Surface impact payment" means money paid by a user of state lands in compensation for potential negative impacts to the fee simple or leasehold estate, including, but not limited to, destruction of forage, disruption of grazing, agricultural, or commercial operations, nuisance, inconvenience, and for incidental use of the land surface.

~~(g)~~(h) "Surface lessee" means a holder of a grazing and agricultural lease, or special use lease, or wind energy lease issued in accordance with Chapters 4, or 5, or 6 of ~~these~~ the Board's rules.

~~(h)~~(i) "Surveyor" means a person conducting a surface or subsurface

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- (h) "Surface lessee" means a holder of a grazing and agricultural lease, or special use lease, or wind energy lease issued in accordance with Chapters 4, 5, or 6 of the Board's rules.
- (i) "Surveyor" means a person conducting a surface or subsurface survey on state land.

Section 3. Authorization to Survey

The Board hereby grants authorization to persons to conduct limited duration, non-invasive land, mineral, geophysical, cultural, historical, biological, environmental, and mapping surveys on state land upon compliance with this chapter. Surveys of an extensive duration and/or invasive in nature, as determined by the Office, may require that the applicant file a temporary use permit application in accordance with Chapter 14 of the Board of Land Commissioners Rules and Regulations. Determination of whether or not a Temporary Use Permit is required will be made on a case by case basis by the Office subsequent to a review of the application.

Section 4. Procedure

(a) Persons desiring to enter upon state lands for the purpose of surveying shall, prior to entry, complete an application outlining the surveying activity and use their best efforts and any available means to notify the surface lessee of their intent to conduct a survey and, where necessary, negotiate a surface impact payment.

(b) In addition to complying with subsection (a) of this section, persons desiring to enter upon state lands for the purpose of geophysical/seismic surveys of any kind shall, prior to entry, negotiate an impact payment with the surface lessee.

Section 5. Suspension of Survey Authorization

(a) Delegation. The Director shall have the power to suspend the authorization to survey granted in Section 3 of this chapter for any survey.

(b) Procedure. If the Director has substantive evidence or information to indicate that the survey will result in irreparable harm to the state land, the Director shall suspend the authorization to survey by notifying the surveyor using any available means.

(c) Duration. The suspension shall continue until the next regular meeting of the Board following the suspension, unless terminated sooner by the Director. The Board may extend the suspension for a definite or indefinite term.

Section 6. Surface Impact Payments

If the proposed survey will have potential negative impacts to the fee simple or leasehold estate, a surface impact payment shall be negotiated prior to surveyor entry on the state land. If there is a surface lessee of the state land,

negotiations and payment shall be pursuant to Chapter 4, Section 14, Chapter 5, Section 13 or Chapter 6, Section 12 of the Board's rules. If there is not a surface lessee, negotiations shall be directly with the Office.

Section 7. Monumentation

If a surveyor sets a monumented corner on state land, the Board may supply the surveyor with a brass cap monument and may record the corner file, if provided by the surveyor, with the appropriate county clerk at the Board's expense.

Section 8. Disclaimer

Nothing in this chapter shall be construed to authorize surveyors to trespass upon the leasehold rights held by a subsurface lessee.

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(b) In addition to complying with subsection (a) of this section, persons desiring to enter upon state lands for the purpose of geophysical/seismic surveys of any kind ~~geophysical surveying~~ shall, prior to entry, negotiate an impact payment with the surface lessee. ~~provide written notification to the Office describing the anticipated location and time period of the proposed geophysical survey.~~

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(b) Procedure. If the Director has substantive evidence or information to indicate that the survey will result in irreparable harm to the state land, the Director shall suspend the authorization to survey by notifying the surveyor using any available means.

(c) Duration. The suspension shall continue until the next regular meeting of the Board following the suspension, unless terminated sooner by the

Director. The Board may extend the suspension for a definite or indefinite term.

Section 6. Surface Impacts Payments

For all surface and subsurface survey activities:

~~(a) Surface impact payments.~~ If the proposed survey will have potential negative impacts to the fee simple or leasehold estate, a surface impact payment shall be negotiated prior to surveyor entry on the state land. If there is a surface lessee of the state land, negotiations and payment shall be pursuant to Chapter 4, Section 13 14, or Chapter 5, Section 13 or Chapter 6, Section 12 of the Board's rules. If there is not a surface lessee, negotiations shall be directly with the Office.

~~(b) Reclamation. Upon completion of the survey or related project, all state land disturbed by the surveyor shall be restored to a condition and forage density reasonably similar to its original condition.~~

Section 7. Monumentation

If a surveyor sets a monumented corner on state land, the Board ~~shall~~ may supply the surveyor with a brass cap monument and ~~shall~~ may record the corner file, if provided by the surveyor, with the appropriate county clerk at the Board's expense.

Section 8. Disclaimer

Nothing in this chapter shall be construed to authorize surveyors to trespass upon the leasehold rights held by a subsurface lessee.