

# Wyoming Legislative Service Office Program Evaluation Report



## Government Access to Wyoming Lands Scoping Paper

Management Audit Committee  
December 15, 2010

**A**s they work to allocate tax dollars effectively and make government more efficient, legislators and administrators need objective information. Program evaluation reports from the Legislative Service Office (LSO) are a source for timely, accurate, and unbiased information on state government performance. These reports assist the Legislature in performing its function of oversight: decisionmakers need to understand the operations of state government in order to make informed decisions on the laws they pass and the financial decisions they make.

Wyoming's legislative evaluation activities began in 1971 with the creation of LSO and establishment of the legislative auditor to examine agencies' accounts and operations. In subsequent years, the Legislature changed the section's orientation from financial to sunset auditing, and then to program evaluation. These reviews compare what a program is accomplishing to what the Legislature intended the program to accomplish. W.S. 28-8-107 through 113 authorizes the program evaluation function.

The Management Audit Committee chooses state government programs for review and approves the final reports for release. An eleven-member bi-partisan committee, it has representation from the Senate and the House of Representatives.

LSO program evaluators research, analyze, and write reports on the assigned topics. The reports assess effectiveness and efficiency, examine whether intended results are being achieved, and include non-binding recommendations for change in administrative policies as well as for statutory changes.

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**Access to Wyoming Lands**  
Scoping Paper for the Management Audit Committee  
December 15, 2010

**Background**

During its May 26, 2010 meeting, the Management Audit Committee (Committee) directed staff to prepare a Scoping Paper on the entry of state and federal agencies onto Wyoming lands (private and public). It also requested that staff identify potential duplication related to the purpose of governmental entry such as auditing, regulatory, or inspections activities.

With 97,818 square miles or 62.6 million acres, Wyoming is a large state. Close to 48% of Wyoming land is federally controlled, while 6% is owned by the State and local entities. The remaining 43% is privately owned and used for agricultural purposes, while 3% comprise Tribal lands. It should also be noted that in Wyoming, the average size of a farm or ranch in Wyoming is 3,500 acres, with over 80% of farms and ranches operating on 5,000 acres or more.

The state and federal land in Wyoming is used by governmental agencies for a variety of reasons. Primarily, federal or Bureau of Land Management Land is managed by the federal government for multi-purpose reasons. For example, the Bureau of Land Management manages its land under a multi-purpose philosophy by leasing for mineral exploration and production, surface grazing, and for recreational uses like hunting and fishing.

On the other hand, Wyoming State Trust Land was granted by the federal government to Wyoming at the time of statehood. While this land is available for hunting, fishing, and other sporting activities, it is primarily used to generate revenue for the exclusive advantage of beneficiaries designated in various congressional acts. Beneficiaries include public schools, as well as other public institutions in Wyoming. The State of Wyoming owns 3.5 million surface acres and approximately 3.9 million in mineral acres.

Often times, activities associated with the myriad of state and federal agencies that oversee various industries, may disrupt private land use. The Management Audit Committee sought clarification of this type of activity through its scoping paper request. For example, access to public and private lands is a relevant issue affecting many of Wyoming's land owners because of the geographic land mapping system of township and range designations. This creates a checkerboard pattern of ownership across Wyoming interspersing state, federal, and private lands. As a result, state and federal agencies may have to cross privately owned land in order to conduct their activities. Much of Wyoming's private land (approximately 93 percent) and State surface acreage (98 percent) are used for agricultural purposes.

## Scope and Methodology

In order to determine if there is a potential problem with access to Wyoming lands, LSO staff developed a survey instrument with seven (7) questions. We sent the survey instrument to 19 state agencies and 26 federal agencies that are likely to access private and public lands in Wyoming. These included federal agencies that work in conjunction with various state programs dealing with workplace safety, regulation of air and water quality, and homeland security. We also interviewed Bureau of Land Management (BLM) officials in Cheyenne to assist us with developing a strategy for cataloging and contacting various federal agencies.

Although we sent out survey instruments to 19 state agencies and 26 federal agencies, we received additional responses from multiple divisions and offices within parent agencies. As a result, we received a total of 40 state agency responses and 29 federal agency responses for a total of 69 responses. With the exceptions noted in the following tables, Table 1 and Table 2 provide specific information on the agencies that responded, while the appendix includes actual responses based on each survey question.

**Table 1**  
**\*Surveyed Wyoming Agencies**

<b>Wyoming Agencies</b>
<b>Department of Agriculture</b> Consumer Health Services Division Natural Resources and Policy Division Technical Services Division Weed and Pest Division
<b>Office of the Attorney General</b> Division of Criminal Investigation
<b>Department of Audit</b> Excise Tax Division Mineral Audit Division
<b>Department of Corrections</b>
<b>Department of Employment, Division of Mine Inspections and Safety</b>
<b>State Engineer's Office</b>
<b>Department of Environmental Quality</b> Abandon Mine Division Director General Response Land Quality Division Solid and Hazardous Waste Division Water Quality Division

<b>Wyoming Agencies</b>
<b>Department of Family Services</b>
<b>Department of Fire Prevention and Electrical Safety</b> Electrical Division Fire Prevention Division Training Division
<b>Game and Fish Department</b>
<b>Department of Health</b> State Epidemiologist Office of Healthcare Licensing and Surveys Public Health Nursing Section, Division of Community & Public Health Life Resource Center Pioneer Home Retirement Home State Hospital Veterans' Home
<b>Military Department</b>
<b>Office of State Lands and Investments</b> Mineral Leasing and Royalty Compliance Division Real Estate Management Division Wyoming State Forestry Division
<b>Oil and Gas Conservation Commission</b>
<b>Board of Outfitters and Professional Guides</b>
<b>Department of Revenue</b>
<b>Department of State Parks and Cultural Resources</b> Historic Sites and Trails Historic Preservation Wyoming State Archaeologist (General Fund) Wyoming State Archeologist (Survey)
<b>Department of Transportation</b>
<b>Water Development Commission</b>

Source: Wyoming Legislative Service Office.

\*The Department of Military did not respond to our survey instrument.

**Table 2**  
**\*Surveyed Federal Agencies**

<b>Federal Agencies</b>
<p><b>Department of Agriculture</b>            Animal &amp; Plant Health Inspection Service, Plant Protection Quarantine            Animal &amp; Plant Health Inspection Service, Veterinary Services            Animal &amp; Plant Health Inspection Service, Wildlife Services            United States Forest Service, Colorado Office            National Resources Conservation Service</p>
<p><b>Department of Commerce</b>            Denver Office            United States Census, Denver Office</p>
<p><b>Department of Energy</b>            Federal Energy Regulation Commission, Portland Office</p>
<p><b>Federal Emergency Management Agency</b></p>
<p><b>Department of Homeland Security</b></p>
<p><b>Department of Interior</b>            Bureau of Land Management, Branch of Solid Minerals            Bureau of Land Management, Branch of Fluid Minerals – Lands and Appraisals            Bureau of Land Management, Division of Resources – Policy and Management            Bureau of Land Management, Forestry            Bureau of Land Management, Oil and Gas Inspection - Enforcement Program            Bureau of Land Management, Preservation            Bureau of Land Management, Range Management            Bureau of Land Management, Realty            Bureau of Land Management, Resource Management            Bureau of Land Management, Visual Resources            Bureau of Land Management, Wildlife Program            Bureau of Reclamation            National Park Service, Historic Preservation            United States Geologic Survey</p>
<p><b>Department of Justice</b>            United States Attorneys' Office            United States Marshals Service            Bureau of Alcohol, Tobacco, Firearms and Explosives            Federal Bureau of Investigation            United States Drug Enforcement Administration, Colorado Office</p>
<p><b>Department of Labor</b>            Mine Safety and Health Administration, Denver Office            OSHA, Denver Office            OSHA, Cheyenne Office (administered through State Department of Employment)</p>

<b>Federal Agencies</b>
<b>Department of Transportation</b> Office of the Inspector General, D.C. Office Pipeline and Hazardous Materials Safety Administration, Colorado Office

Source: Wyoming Legislative Service Office.

\*The following agencies did not respond: Bureau of Alcohol, Tobacco, and Firearms; U.S. Marshals Service; FBI; and U.S. Department of Transportation (Office of Inspector General and Pipeline Hazardous Materials Safety Administration).

### Survey Instrument

As discussed previously, we developed a seven (7) question survey instrument based on the Management Audit Committee’s request. Generally, we designed the questions to determine if respondents access Wyoming land and by what authority access occurs. We also asked questions related to process and what duplications may occur with respect to activities across agency boundaries. Table 3 provides additional information on the questions we asked.

**Table 3**  
**Survey Instrument Questions**

<b>Survey Questions</b>
<i>Are there conditions, circumstances, activities, etc., when your Department or Agency has cause to enter onto private and public land in Wyoming?</i>
<i>For the conditions, circumstances, activities, etc., listed in Question #1, please identify the specific statutory or regulatory authority for access to Wyoming lands.</i>
<i>For the conditions, circumstances, activities, etc., listed in Question #1, please identify the process used to access Wyoming lands.</i>
<i>For the conditions, circumstances, activities, etc., listed in Question #1, please identify any duplication of actions between federal and state agencies that you think may currently exist.</i>
<i>Prior to entry onto private land in Wyoming, is the landowner first informed?</i>
<i>Please provide a listing of other similar agencies that we may have missed that have authority to access private and public lands in Wyoming.</i>
<b>General Comments</b>

Source: Wyoming Legislative Service Office.

### Survey Results

#### Question #1

There is no debate that federal and state agencies enter Wyoming lands for various reasons. With the exception of the Department of Revenue, all state departments that responded to our survey instrument reported they enter Wyoming lands to perform official duties. Likewise, with the exception of the Department of Justice, Office of the Attorney General, all federal departments that responded to our survey instrument stated they enter Wyoming lands. More specifically, of the state respondents 34 or

85% of agencies enter Wyoming lands, while six (6) or 15% reported they do not. Of the federal respondents, 27 or 93% reported they enter Wyoming lands, while two (2) or 7% reported they do not.

The reasons for entering Wyoming lands by federal and state agencies are numerous. In an attempt to provide some clarity, we categorized the reasons for access. The following tables provide additional information, while the appendix includes actual responses based on question #1.

**Table 4**  
**Reasons for Accessing Wyoming Lands (State Agencies)**

<b>Reason</b>	<b>Agencies</b>
Environmental Regulation and Permitting	<b>Department of Environmental Quality</b> Water Quality Division Solid and Hazardous Waste Land Quality Division <b>Oil &amp; Gas Conservation Commission</b>
Land Lease Management	<b>Office of State Lands and Investments</b> Real Estate Management Division Mineral Leasing and Royalty Compliance Division
Forestry Management	<b>Office of State Lands and Investments</b> Wyoming State Forestry Division
Auditing (tax purposes)	<b>Department of Audit</b> Mineral Audit Division Excise Tax Division
Water Management and Projects	<b>State Engineer</b> <b>Water Development Commission</b>
Building Inspections for State Licensure	<b>Department of Fire Prevention and Electrical Safety</b> Training Division Fire Prevention Division Electrical Division <b>Department of Health</b> Office of Healthcare Licensure
Park Management	<b>State Parks</b> Historic Sites and Trails Historic Preservation
Archaeological Surveys	<b>State Parks</b> Wyoming State Archaeologist (Survey) Wyoming State Archaeologist (General Fund)
Game and Fish Management	<b>Game and Fish Department</b>

<b>Reason</b>	<b>Agencies</b>
Outfitting	<b>Board of Public Outfitters</b>
Agriculture Management	<b>Department of Agriculture</b> Technical Services Division Consumer Health Services Division Weed and Pest Division Natural Resources and Policy Division
Highway Construction	<b>Department of Transportation</b>
Law Enforcement	<b>Department of Corrections</b> <b>Office of Attorney General</b> Division of Criminal Investigation
Public Health	<b>Department of Health</b> State Epidemiologist
Family Services	<b>Department of Family Services</b>
Mine Safety and Reclamation	<b>Department of Environmental Quality</b> Abandon Mine Division <b>State Mine Inspector</b>

Source: Wyoming Legislative Service Office from survey information.

**Table 5**  
**Reasons for Accessing Wyoming Lands (Federal Agencies)**

<b>Reason</b>	<b>Agencies</b>
Environmental Regulation and Permitting	<b>Bureau of Land Management</b> Branch of Fluid Minerals-Lands and Appraisals Oil and Gas Inspection-Enforcement Program Resource Management
Land Lease Management	<b>Bureau of Land Management</b> Branch of Solid Minerals Visual Resources Realty <b>Bureau of Reclamation</b>
Forestry Management	<b>Forest Service</b> <b>Bureau of Land Management</b> Forestry
Occupational Safety	<b>Occupational Safety and Health Administration</b>
Park Management	<b>National Park Service</b>
Archaeological Surveys	<b>Bureau of Land Management</b> Preservation

<b>Reason</b>	<b>Agencies</b>
Game and Fish Management	<b>Department of Agriculture</b> Veterinary Services Wildlife Services <b>Bureau of Land Management</b> Wildlife Program
Agriculture Management	<b>Department of Agriculture</b> Plant Health Inspection Service-Plant Protection Quarantine <b>Bureau of Land Management</b> Range Program Natural Resource Conservation Services
Law Enforcement	<b>Drug Enforcement Agency</b>
Mine Safety and Reclamation	<b>Department of Labor, Mine Safety, and Health Administration</b> <b>Bureau of Land Management</b> Policy and Management
Geological Surveys	<b>Geologic Survey</b>
Dam Inspections	<b>Federal Energy Regulation Commission</b> Division of Dam Safety and Inspections
Homeland Security	<b>Office of Homeland Security</b>
Emergency Responses	<b>Federal Emergency Response Agency</b>
Census	<b>Department of Commerce</b> Census

Source: Wyoming Legislative Service Office from survey information.

### Question #2

It is clear from the respondents, that federal and state agencies cite clear statutory authority and other criteria for accessing Wyoming lands. State agencies provided state and federal statutes, rules, and regulations, as well as land owner permission, consent, or requests, and legal opinions. Federal agencies cited federal constitutional provisions, statutes, rules, and regulations, as well as agreements, permits, easements, and permission from owners or lease holders. More specifically, of the state respondents 33 or 83% of agencies cited specific authority to access Wyoming lands, while seven (7) or 17% did not respond. Of the federal respondents, 26 or 90% cited specific authority to enter Wyoming lands, while three (3) or 10% did not respond. The appendix includes actual responses based on question #2.

Question #3 and Question #5

The responses to question #3 align with the answers in question #5 related to receiving landowner permission for access. With the exception of nine (9) “no-responses” from state agencies and three (3) “no-responses” from federal agencies, all respondents stated their agencies have some sort of process to access Wyoming land, primarily through permission or agreement with the landowner or lease holder.

For example, with the exception of six (6) “no-responses” from state agencies, all respondents indicated their agencies will contact landowners or lease holders prior to entering private land. It should be noted however, that 12 or 30% of recipients for state agencies may also access private lands without permission.

With the exception of two (2) “no-responses” from federal agencies and one (1) respondent who stated his agency does not request permission prior to the entry of private land, all respondents indicated their agencies will contact landowners or lease holders prior to entering private land. It should be noted however, that six (6) or 21% of federal agencies also stated they may access Wyoming lands without permission. The following table provides additional information, while the appendix includes actual responses based on question #3 and question #5.

**Table 6  
Federal and State Agencies  
May Access Wyoming Land without Permission**

Federal Agencies	State Agencies
<b>Bureau of Land Management - Range Management</b>	<b>Department of Environmental Quality</b> All divisions w/exception of Abandoned Mine Division
<b>Department of Agriculture</b> Plant Health Inspection Service, Plant Protection Quarantine	<b>State Mine Inspector</b>
<b>Department of Labor</b> Mine Safety, and Health Administration	<b>Department of Agriculture</b> Consumer Health Division
<b>Occupational Safety and Health Administration (Denver and Cheyenne)</b>	<b>Department of Health</b> Public Health Nursing Section, Division of Community and Public Health Office of Healthcare Licensing Facilities
<b>Drug Enforcement Agency</b>	<b>Department of Transportation</b>
	<b>Department of Corrections</b>
	<b>State Engineer</b>
	<b>Office of State Lands and Investments</b>

Federal Agencies	State Agencies
	Forestry

Source: Wyoming Legislative Service Office from survey information.

Question #4 and Question #6

According to federal and state respondents, potential for duplication does exist across agency boundaries. With the exception of 12 or 30% “no responses” from state agencies, 13 or 33% of respondents stated their agencies may duplicate activities of other agencies. Also, 15 or 37% of respondents stated their agencies did not duplicate efforts of other agencies.

With the exception of seven (7) or 24% “no responses” from federal agencies, 10 or 35% of respondents stated their agencies may duplicate activities of other agencies. Also, 12 or 41% of respondents stated their agencies did not duplicate efforts of other agencies. The following table illustrates potential areas of duplication, as well as agencies that may duplicate activities within those areas.

**Table 7**  
**Federal and State Agencies**  
**Potential for Duplication**

Potential Areas for Duplication	Agencies
Overall Environmental Inspection	DEQ EPA
Pollution Inspection	DEQ Water Quality Division EPA
Hazardous Waste Water Pollution Inspection	DEQ, Solid & Hazardous Waste Division DEQ, Air Quality Division DEQ, Water Quality Division
State Lease and Pollution Inspection	Wyoming Oil & Gas Conservation Commission DEQ
Witnessing Meter Calibration and Lease Inspection	Department of Audit, Mineral Audit Division BLM
Mining Operation Inspection	State Mine Inspector Mine Safety and Health Administration
Safety Inspection	Department of Fire Prevention and Electrical Safety OSHA
Fire Management	OSLI, Forestry Division

Potential Areas for Duplication	Agencies
	Local, State, and Federal Entities
Fish and Wildlife Management	Game & Fish Department U.S. Fish & Wildlife BLM, Wildlife Program
Safe Drinking Water Act	Department of Health, State Epidemiologist EPA
Insect Inspections	Wyoming Department of Agriculture U.S. Department of Agriculture Local Entities
Food Inspection	Wyoming Department of Agriculture U.S. Department of Agriculture
Oil and Gas/Mining Inspection	Wyoming Oil & Gas Conservation Commission BLM, Oil & Gas Enforcement Program BLM, Realty DEQ
Range Management	BLM, Range Program United States Forest Service
Noxious Weed and Grasshopper/Cricket Survey	U.S. Department of Agriculture, Plant Health Inspection and Plant Protection Quarantine Wyoming County Weed and Pest Districts
Snow Survey	U.S. Department of Agriculture, Natural Resource Conservation Service National Park Service Wyoming State Engineer
Law Enforcement	National Park Service Wyoming Highway Patrol

Source: Wyoming Legislative Service Office from survey information.

Respondents also discussed other agencies that may duplicate their activities. Other agency suggestions range from those we already incorporated above to several we did not.

Additional agencies suggested included the following: United States Chemical Safety Board; local weed and pest control; local law enforcement and firefighting; Wyoming conservation districts; Wyoming Livestock Board; United States Army Corp of Engineers; United States military branches; United States Department of Defense;

Bureau of Indian Affairs; and United States Department of Interior. It should be noted, that we did not follow up with these agencies. See the appendix to provide more specific information with respect to question #4 and question #6.

### Question #7

Respondents generally did not offer comments at the end of the survey instrument. Seven (7) or 18% of state respondents offered additional comments, while the remaining 33 or 82% did not. Similarly, six (6) or 21% of federal respondents offered additional comments, while the remaining 22 or 79% did not.

Generally, comments were summaries of an agency's activities, offers to provide additional information if needed, and acknowledgement and appreciation to Wyoming landholders. One comment however, indicated that some facilities inspected by the Department of Environmental Quality's (DEQ) Solid and Hazardous Waste Division, may impose restrictions on DEQ's access. Although the DEQ respondent mentioned that 5% or fewer facilities impose such restrictions, he also stated that after discussion, access is typically granted. See the appendix to provide more specificity with respect to this and other comments related to question #7.

## **Conclusions**

There are many state and federal agencies that may enter the patchwork of private and public land in Wyoming to conduct various activities. This scoping paper touches on a number of those reasons, as well as related processes and authority for such access. However, this document is not all inclusive.

What is evident from the respondents is that state and federal officials appear to take their responsibilities seriously, but also take access to private lands seriously. As discussed earlier, according to respondents, the majority of access to Wyoming lands is coordinated through the landowner or lease holder. Whether this occurs in practice however, could not be determined from the survey instrument.

We also could not determine if landowners receive adequate explanations for access to their lands. It should be noted however, that one federal respondent stated that if plant inspectors happen to stray onto the fringes of private land, "*employees are instructed to provide the State Office contact information, apologize, and leave the property.*" Although not all state and federal agencies are so apologetic, it is clear that at least formal policy, dictates communication with landholders and lease holders prior to entry.

It is also clear that state and federal agencies under some circumstances can access private land without gaining permission. As illustrated in Table 6, 13 or 33% of state

agency respondents and seven (7) or 24% of federal agency respondents indicated agency personnel could access private land without permission.

It is interesting to note that 13 or 33% of state agency respondents and ten or 34% of federal agency respondents believed that potential duplication may exist among certain areas. As shown in Table 7, it appears that federal and state agencies may duplicate certain activities. However, based on explanation from the respondents, this may not occur frequently based on the finer differences between similar activities.

With the exception of possible duplication of effort among state and federal agencies in various areas, the information we received from respondents did not identify any definitive issues for a potential audit.



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# Survey Question #1

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***Are there conditions, circumstances, activities, etc., when your Department or Agency has cause to enter onto private and public land in Wyoming?***

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## State

Department of Agriculture, Consumer Health Services Division
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Yes
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On occasion, we may be contacted by a property owner to perform an ante mortem inspection on a buffalo for field kill by the owner or a party of the owner. Also, we may need to perform establishment inspections on private or public land.
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Department of Agriculture, Natural Resources and Policy Division
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Yes
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The Natural Resources and Policy Division operates programs and works on issues in the state which frequently involves entry onto private and public lands. Programs include the Rangeland Health Assessment Program, Agriculture Mediation Program, Coordinated Resource management Program, policy negotiations, Jonah Interagency Office/Pinedale Anticline Project Office and the Wyoming Landscape Conservation Initiative.
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Department of Agriculture, Technical Services Division
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Yes
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The Wyoming Dept. of Agriculture - Technical Services Division oversees 14 laws and 26 programs. The following program activities appear to fall within the scope of the questions being asked in this survey. * Insect Pests of Concern - Gypsy Moths, et. al. * Plan Health - Nursery Stock * Pesticide Application * Apiary / Leaf Cutter Bees * Predator Management * Seed * Weed & Pest Activities * Weights & Measures - Livestock Scales, et. al.
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Department of Agriculture, Weed and Pest Division
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Yes
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The Weed and Pest Coordinator often assists Weed and Pest Control Districts with noxious weed and pest control on private and state lands.
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<b>Office of the Attorney General, Division of Criminal Investigation</b>
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Yes
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DCI at times may be required to investigate criminal activity on private and/or public land. When this does occur, DCI obtains the proper permission and/or court ordered search warrant.
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<b>Department of Audit, Excise Tax Division</b>
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Yes
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Yes, there are businesses in Yellowstone Park licensed with the state to collect Wyoming sales and use taxes. Obviously, there are also businesses on private land licensed with state to collect Wyoming sales and use taxes. Both of these circumstances would give us cause to enter their lands.
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<b>Department of Audit, Mineral Audit Division</b>
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Yes
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<p>i) Access into these lands is most common for witnessing oil and gas producer gas meter calibrations and oil LACT meter proving. Access is also required when witnessing gas meter calibrations at gas pipeline and plant facilities. This is the most common type of access for every day work activities.</p> <p>ii) Access into these lands is also required when conducting field audit inspections to support the Department of Audit staff work on ongoing oil and gas production audits. This may also include access to pipeline and plant facilities.</p> <p>iii) Access into these lands also occurs when the Inspection Specialist is doing inspections and wishes to document other transportation facilities and/or measurement facilities in the immediate area. An example of this type is when the Inspection Specialist is witnessing and discovers additional measurement facilities (meter pods) or additional pipeline facilities in the immediate area. These facilities will be photographed and GPS documented for mapping and documentation purposes.</p> <p>iv) The fourth access occurs when the Inspection Specialist is responding to a specific request from the WOGCC and/or State Lands on measurement issues. This inspection is coordinated and may involve representatives from both agencies. The Department of Audit's Auditors may also need access onto private and public land in Wyoming for the purposes of conducting audits. The activities can be summarized into two specific cases.</p> <p>i) Auditors access into these lands is most common for the purposes of reviewing and obtaining copies of sales contracts, company systems records, source documents, files and reporting records, and other recorded information necessary for the audit. Access into these lands for the purpose of visiting the company being audit also provides the opportunity to talk to company personnel about company records and information.</p> <p>ii) Access into these lands is also required when conducting field audit inspections and field tours. Field tours also provide the opportunity to talk to field personnel about equipment usage, layout, and purpose.</p>
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### Department of Corrections

Yes

Current statutes do not appear to directly give WDOC the authority to enter Wyoming lands (public or private). However, all statutory references for WDOC are included in response to Question 2. Clearly, WDOC correctional facilities are "Wyoming lands" and much of the department work occurs on "Wyoming lands". (See W.S. § 25-1-104.) However, that work is not generally auditing, regulatory, or inspections (with the exception of internal audits, regulation, and inspection). Perhaps the best answer to this question is in the implicit authority to enter Wyoming lands in the course of probation and parole supervision (W.S. § 7-13-405(a)). In the course of supervising individual conditions of probation as ordered by the Court or individual conditions of parole as ordered by the Parole Board, an agent may enter Wyoming lands for the purpose of monitoring compliance with such conditions. (See W.S. §§ 7-13-301; 7-13-304; 7-13-305; 7-13-405; 7-13-407; 7-13-408; 7-13-411; and 7-13-423; 7-13-424; 7-13-1102; 7-13-1104.) Tangentially, entrance into community corrections programs may constitute entrance into Wyoming lands (See W.S. § 7-18-101 through 115) as might entrance into private correctional facilities such as the 100-bed program in Casper (See W.S. § 7-22-101 through 115). Perhaps the other occasion when WDOC may enter Wyoming lands might occur when WDOC enters into a grazing lease or otherwise leased lands to be used for department purposes. (See W.S. § 25-1-105).

### Department of Employment, Division of Mine Inspections and Safety

Yes

Inspect all mining operations and contractor for compliance with the mining laws of the State of Wyoming. Statute 30-2-207. 30-2-208.

### State Engineer's Office

Yes

The State Engineer's Office (SEO) is charged with constitutional and statutory authority to administer all water use within the state. In order to carry out those duties, SEO personnel must enter onto both private and public land to perform several primary functions. Those functions include the inspection of facilities permitted by the SEO, to administer or regulate the use of water when water supplies are not sufficient to meet demand, and to investigate complaints of unauthorized water use.

### Department of Environmental Quality, Abandoned Mine Division

Yes

We reclaim abandoned mines on state, private and federal lands within the state of Wyoming. These include both coal and non-coal abandoned mines.

**Department of Environmental Quality, Director General Response**

Yes

Many permits that we issue are for operations on public and private lands. These permits contain provisions where the permittee must provide access to the permitted activity. For Strong cause, could seek court order (we have only done this once or twice in 35 years).

**Department of Environmental Quality, Land Quality Division**

Yes

The LQD regulates mineral exploration and surface, institution, and underground mining operations in the state. As part of the regulatory program, LQD inspects mining operations on a regular basis as required by statute and/or rule, in response to citizen complaints, because of specific environmental or compliance concerns, or as part of a special inspection such as verification that reclamation has occurred. These inspections occur on federal, state, and private lands. Coal mine operations must be inspected monthly if they are actively mining or quarterly if they are inactive. All other types of mines are inspected annually at a minimum, at a frequency determined by the level of activity of the mine or any issues identified that require more frequent inspection.

**Department of Environmental Quality, Solid and Hazardous Waste Division**

Yes

To inspect and evaluate compliance at permitted waste management facilities, at regulated storage tank facilities, and at facilities that generate or otherwise manage solid and hazardous wastes. Under the storage tank cleanup program, sites are addressed to conduct investigation and cleanup of contamination. Also respond to complaints regarding waste management activities and provide compliance or pollution prevention assistance when requested by employees or property owners.

**Department of Environmental Quality, Water Quality Division**

Yes

A major function of the Water Quality Division is to inspect and sample public and private facilities which discharge wastewaters to the state's surface and ground water. Examples of such facilities are municipal sewage treatment plants and various industrial and commercial facilities which produce wastewater as part of their normal operations (oil refineries, coal mines, oil and gas production units, etc.). All discharges to surface and ground water are required to be permitted by the Water Quality Division and inspection and sampling is necessary to determine compliance with the permits. The division also monitors ambient surface and ground water quality. Such monitoring requires entry onto public and private lands. The division also

### Department of Environmental Quality, Water Quality Division

permits the construction of public and private water and wastewater treatment facilities and it is often necessary to inspect such construction to insure the construction is been done in accordance with permit conditions.

### Department of Family Services

Yes

In the course of DFS' daily field work within Protective services, Juvenile Services, certification of childcare facilities, and Weatherization, we have workers who will, with permission, enter onto private land. As the (1) child protective agency, DFS shall "received, assess, investigate or arrange for investigation and coordinate investigation or assessment of all reports of known or suspected child abuse or neglect" and "prepare a plan for child protective services under guidelines prepared by the state agency, and provide services under the plan to prevent further child abuse or neglect". DFS shall receive and respond to Adult Protective cases and performs its duties in a similar manner. As the (2) juvenile justice authority in the State of Wyoming, DFS shall "investigate all cases referred by the juvenile court, the department or an institution, and report..." and "supervise the conduct of each youth on probation or home leave through personal visits, reports and other appropriate means, and report..." and "use all practical and suitable methods, not inconsistent with conditions imposed by the juvenile court, department or institution, to aid and encourage a youth on probations or home leave to bring about improvement in their conditions and conduct". As the (3) Certifying Authority for child care facilities, DFS staff shall "periodically and at reasonable times, inspect, investigate and examine all certified agencies and applications for certification". Additionally, "any certified agency or applicant for certification shall give right of entrance and inspection of the facility to inspectors authorized by the certifying board. Any certified agency or application who denies admission to any authorized inspector shall have the certificate revoked or application denied". The DFS is the state agency authorized to implement the federal (4) Weatherization Program. Weatherization Program staff are required to inspect a minimum of 5% of homes weatherized.

### Department of Fire Prevention and Electrical Safety, Electrical Division

Yes

For the purpose of doing permit and plan review Inspections during the construction and remodel of Buildings. These Inspections are permitted by Wyoming Statute's 35-9-120 and 35-9-108.

### Department of Fire Prevention and Electrical Safety, Fire Prevention Division

Yes

Preventative inspections and corrective activities.

### Department of Fire Prevention and Electrical Safety, Training Division

Yes

Statutorily, the agency may investigate fires to their origin point and cause. This involves entry onto private and/or public land if a fire has occurred at that location.

### Game and Fish Department

Yes

Employees of the Wyoming Game and Fish Department routinely enter both private and public lands in the performance of their statutorily mandated duties. Situations for entry of private land are largely based on the specific duties and responsibilities of individual employees and the specific activities being performed. All personnel entering private property for the purpose of conducting wildlife surveys, habitat data collection, maintenance, repair or any other duty not involving law enforcement must have permission from the landowner or the person in charge of the land prior to entering the property. Department law enforcement personnel routinely obtain permission or are requested by private landowners to enter their private lands to monitor both legal and illegal hunting activities, Law enforcement officers may enter "open fields" lands in compliance with legal opinions. United States Supreme Court Rulings, or with a valid search warrant. All personnel routinely enter public lands.

### Department of Health, State Epidemiologist

Yes

Comments: WDH has authority to investigate and mitigate situations that pose, or may pose, a public health threat. This includes threats on private and public property, if public health is at risk.

### Department of Health, Office of Healthcare Licensing Facilities

Yes

If a health care facility is located on public or private land we would access that land to reach the facility. If a client of a health care facility must be observed and or interviewed as part of the survey process, surveyors may go to the residence of that individual to complete that portion of the survey.

### Department of Health, Public Health Nursing Section, Division of Community & Public Health

Yes

For purposes of making professional nursing visits to clients in their private homes, for follow-up and ongoing surveillance of circumstances that cause

### Department of Health, Public Health Nursing Section, Division of Community & Public Health

a threat to the health of the public such as infectious disease investigation, environmental factors such as raw sewage, vector control, and public health emergency preparedness

### Department of Health, State Homes

No

Life Resource Center – No Response

Pioneer Home - The Wyoming Pioneer Home resides on land owned by the state parks and recently a contract was signed for a \$100 per month rental.

Retirement - The only State of Wyoming land we enter is the land we enter is the land our facility, the Wyoming Retirement Center, resides upon.

State Hospital – No Response

Veterans' Home – The only State of Wyoming land we enter is the land we enter is the land our facility, the Veterans' Home of Wyoming, resides upon fee.

### Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division

Yes

MLRC - Mineral Leasing & Royalty Compliance Division - MLRC Division employs two field inspectors to review on-lease site integrity, site security and production measurement integrity on state trust lands. They enter sites daily reviewing lease/well locations, facilities placement and site condition.

### Office of State Lands and Investments, Real Estate Management Division

Yes

REM Real Estate Management Division - REM Agencies, staff and employees routinely access State owned lands for inspection and management purposes. When state trust land has no public access it is often necessary to cross privately deeded lands or other Public lands in order to gain access to State-owned lands.

### Office of State Lands and Investments, Wyoming State Forestry Division

Yes

WSFD- Wyoming State Forestry Division. Private Land - Provide technical forestry assistance to homeowners and forest landowners regarding issues related to trees and forests; Private land - fire management and suppression activities in cooperation with county and local fire entities; Private land -

### Office of State Lands and Investments, Wyoming State Forestry Division

Access to state lands for forest and fire management often involves crossing adjacent private lands; Federal land- Fire management and suppression activities in cooperation with federal fire management entities; Federal land - Participation in project planning and implementation and steering/advisory committee field trips led by federal land managers.

### Oil and Gas Conservation Commission

Yes

The Oil and Gas Conservation Commission staff does indeed access private, state, and many times, federal lands in fulfilling their assigned duties to inspect for and ensure compliance with the rules and regulations of the Commission. This activity has been a key part of the agency's effort since 1951. Commission field inspectors access private and state surface, and in some cases, federal surface as part of their statutory duties to ensure compliance with the Commission rules and regulations. The Commission has twelve (12) field inspectors with full-time inspection assignments and three (3) engineers that perform field inspections when traveling the state. During their travels field inspectors in route to private and state surface will cross federal surface managed by the Bureau of Land Management and the Forest Service.

### Board of Outfitters and Professional Guides

Yes

The Board is responsible for licensing and disciplining Outfitters and guides. The Board's Investigators enter public and private lands for a number of reasons, including investigating complaints, inspecting outfitter camps and equipment, deterring unlicensed outfitting or guiding, investigating statute violations, and assisting other agencies in criminal investigations.

### Department of Revenue

No

No Response

### Department of State Parks and Cultural Resources, Historic Sites and Trails

Yes

Contracts/agreements for HOHU/Snowmobile operations on public lands. Contracts/agreements/leases for management on federal/public lands. Contracts/concessionary agreements for private property on public lands.

### Department of State Parks and Cultural Resources, Historic Preservation

Yes

The Wyoming State Historic Preservation Office, at the request of federal and state agencies and private land owners, regularly access public and private lands. It is common for our staff to participate in on-site inspections of proposed projects to help design and implement activities to avoid and minimize impacts to historic properties. SHPO staff regularly consults and assist federal and private property owners in the proper treatment of historic properties. This assistance ranges from recommendations on archeological data recovery to proper restoration of historic buildings we also regularly work with agencies and private property owners to nominate eligible resources to the National register of Historic Places. This requires physical access of the property to complete the documentation, which includes photographs, drawings, site maps and architectural descriptions.

### Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)

Yes

Personnel from the Office of the Wyoming state Archaeologist conduct archaeological research on private and public land on behalf of various stat and federal agencies and private land owners. The research is conducted at the request of private property owners and others who need assistance with archaeological sites. Staff also responds to county coroners who are in need of assistance in the identification of archaeological human remains. Other research activities include geophysical and remote sensing of archaeological sites for federal agencies, private land owners, academic institutions, students conducting archaeological investigations and other academic endeavors.

### Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)

Yes

Personnel from the Office of the Wyoming State Archaeologist conduct archaeological surveys on private and public land on behalf of various state and federal agencies and private companies. The surveys are conducted to ensure the clients meet their obligations under Section 106 of the National Historic preservation Act. Section 106 specifies that under any federal undertaking (involving federal lands, monies, or permits) that the undertaking considers the effects to archaeological sites.

### Department of Transportation

Yes

While the majority of WYDOT activities occur within existing rights of way, Department employees occasionally enter public and private lands in conjunction with construction and maintenance of state highways and associated work such as land surveys, environmental or geological investigation, maintenance of fences and highway appurtenances, construction of access facilities, inspection of railroad crossings, regulations of outdoor advertising, and other purposes.

Water Development Commission
Yes
Evaluation of water projects (dams, pipelines, well, diversion structures, etc.)

## Federal

### Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

Yes

To conduct Regulatory and Domestic activities such as, but not limited to, Grasshopper and Mormon cricket surveys and treatments, noxious weed surveys; biological control agent releases, monitoring and recovery activities; survey and trapping activities for a variety of exotic agricultural pests (e.g. exotic wood borers and bark beetles, Emerald Ash Borer, Sirex wood wasp, Japanese Beetle, etc); Gypsy Moth trapping activities; Potato Cyst Nematode samplings; various inspections of regulated and/or prohibited articles (e.g. infested nursery stock,)

### Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

Yes

VS often enter private lands and rarely on public land. Often this is done investigating animal health issues. Private land is entered only after contacting owner and often in conjunction with State Livestock Board. Public land is entered with State Game and Fish Department.

### Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

Yes

Wildlife Services is directed to resolve or mitigate damage caused by wildlife on public and/or private property at the request of the resource owner.

### Department of Agriculture, United States Forest Service (Colorado Office)

Yes

Travel required to access BLM administered forest lands.

### Department of Agriculture, Natural Resource Conservation Service

Yes

The NRCS provides natural resource conservation and natural resource inventory assistance to private landowners and operators as well as to Tribal, Federal and State land management agencies and the permittees/leases of those public lands.

Conservation assistance involves the landowner and NRCS jointly identifying and assessing of soil, water, plant, animal resource concerns

### Department of Agriculture, Natural Resource Conservation Service

(problems/issues) and subsequent formulation and evaluation of alternative solutions. NRCS Field Office Staff may spend several days or even weeks on the property mapping farm /ranch infrastructure and resource conditions.

Natural resource inventory falls into three types: Snow Survey, Soil Survey, and National Resources Inventory (NRI). Snow surveys are conducted on high elevation public lands to evaluate snow pack for subsequent water yield in the watershed. Most measurements are currently taken by remotely located automated systems. NRCS perform periodic maintenance, repair and calibration when needed.

Soil Surveys are currently being conducted in approximately six Wyoming counties. Soil and Range Scientists map soils and plant communities on private and public lands with verbal or written authorization.

NRI is conducted nearly every year on randomly located private land sample points. Field personnel record plant community and soils information. Plots are clipped to assess vegetative production. Verbal permission is secured from landowners.

### Department of Commerce (Denver Office)

No

N/A

### Department of Commerce, United States Census (Denver Office)

Yes

To conduct both voluntary and mandatory survey work. This includes individual households, group quarters (prisons, nursing homes, etc.) and on tribal lands.

### Department of Energy, Federal Energy Regulation Commission (Portland Office)

Yes

The FERC's Division of Dam Safety and Inspections conducts inspections of FERC licensed hydroelectric projects to assure compliance with license conditions and the safety of project structures.

### Federal Emergency Management Agency

Yes

### Federal Emergency Management Agency

- a. The FEMA Public Assistance Program is charged with the responsibility to assist State and local Governments as well as Tribal Nations and certain private non profit organizations with responding to and recovering from Presidential declared disaster events. In accomplishing this task, FEMA in partnership with State and local governmental officials will assess damages to public and certain private non profit facilities and estimate costs to restore the facility to pre-disaster condition. This process required access to any facility for which an assessment is needed.
- b. Under very rare circumstances, FEMA in conjunction with appropriate State or local officials may also be invited to access private properties for the purposes of assessing debris removal in catastrophic situations. It must be understood that FEMA does not remove debris from these private properties, but may assist local responsible officials to assess the quantities and most effective method of removal. It should also be noted that in order for FEMA to ever access private properties or participate in funding for debris removal from private properties, the property owner must execute a “right of access and hold harmless agreement” releasing all State and Federal governmental organizations and personnel for all liability for damages.

### Department of Homeland Security

Yes

Under the auspices of Wyoming Statute Title 19 Chapter 13, the Wyoming Homeland security Act, 19-13-111, and Wyoming Statute Title 35, Chapter9, The Wyoming Emergency Response Act, this agency will routinely respond to crisis incidents at the Wyoming Emergency Response Act, this agency will routinely respond to crisis incidents at the request of and in support of First Responder agencies. In many response scenarios, agency personnel and/or equipment may be placed on public or private land at the request or direction of the first responder agencies. Wild land fires, Illegal drug production/distribution, Search and Rescue Operations, Hazardous Material Incidents and Motor Vehicle Crash Scenes, Executive Protection Details and Improvised Explosive Devise incidents have all required response to federal, state and local agency requests for resources maintained by the Wyoming Office of Homeland Security (WOHS). All responses are subsequent to written requests from first responder agencies (initial requests can be in oral form, but must be followed as soon there after as possible with written requests).

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

Yes

Employees of the Bureau of Land Management charged with managing Federal use authorizations (leases, sales, permits, licenses) for Federally-owned solid minerals have cause to enter onto private and public land in Wyoming. Different laws address different types of minerals. For leasable minerals in Wyoming, BLM manages the coal and sodium (trona) resource, and occasionally other leasable noncoal minerals (phosphate) and hard rock minerals (bentonite and uranium). For locatable minerals, BLM manages mining claims for bentonite, uranium, gypsum, gold and certain other metallic and industrial minerals. For salable minerals, BLM manages sales and free use permits for sand and gravel, clinker (scoria), aggregate, decorative rock and other common varieties of mineral materials.

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

The BLM issues the use authorizations to companies and individuals in order for those entities to develop the Federal resource. We may need to cross private land in areas with checkerboard or broken land ownership patterns, with permission of the surface owner or by way of a public right of way such as a county road, in order to access isolated blocks of Federal land to inspect proposed and authorized mineral exploration projects and mines, or conduct land use planning and environmental (NEPA) analysis for such projects. We may also need to access private surface underlain by Federal minerals (split estate) in order to manage mineral development on the split estate.

### Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals

Yes

When Federal fluid mineral estate that is segregated from a private surface estate (split-estate) is proposed for leasing or development, the BLM will enter onto such lands in order to conduct required environmental reviews and inspections. Additionally, the BLM may need to cross private lands in order to reach Federal mineral estate or public lands. When crossing private lands to reach Federal minerals, the BLM must follow public roads, easements, or secure permission from the private landowner in order to cross.

### Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management

Yes

In the course of reclaiming abandoned mine sites BLM routinely visits AML sites on Public Land for the purpose of inventory, clearance work, site monitoring, etc. Through an agreement with the BLM, the Wyoming State Abandoned Mine Lands Division and its agents are also given access to such sites for resource studies and reporting, survey/design tasks, as well as reclamation construction. The tasks are coordinated between the BLM and State AML on selected sites to prevent any duplication of effort. The State AML also enters private lands where AML sites occur on Public and private lands (mixed ownership) to complete the reclamation of all hazardous features on a "site basis". Access on private land is granted by the owner.

### Department of Interior, Bureau of Land Management, Forestry

Yes

Travel required to access BLM administered forest lands.

<b>Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program</b>
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Yes
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When necessary to conduct oil/gas inspections on private/state and public lands involving a Federal lease and/or agreement.
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<b>Department of Interior, Bureau of Land Management, Preservation</b>
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Yes
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BLM has the legal responsibility to take into account the effects of its actions on cultural resources. In order for us to do that, we must gather the appropriate information, to determine whether there are sites on the land, whether those sites are significant and whether the adverse effects (of the land-disturbing activity) on those sites can be mitigated.
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<b>Department of Interior, Bureau of Land Management, Range Management</b>
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Yes
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In general, the BLM may need to access private/State/County lands in order to access BLM administered land. If permission is required, access would be requested beforehand, either formally or informally depending upon the circumstance.
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Reasonable administrative access is granted to BLM to cross lands owned or leased by a grazing permittee/lessee (hereupon referred to as just permittee) on order to access BLM administered land "...for orderly management and protection of the public lands" (e.g. allotment compliance inspections, vegetation monitoring, cultural surveys, wildlife surveys, etc.). See 43 CFR 4130.3-2. The BLM may need access to inspect owned/controlled property to verify base property requirements for the grazing permit/lease (hereupon referred to as just permit). See 43 CFR 4110.2-1 and BLM Manual Handbook H-4110-1.
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The BLM may need access on permittee/applicant owned or controlled lands, which are unfenced and intermingled within an allotment, to help formulate a grazing plan and to determine the carrying capacity and percent of livestock use (AUMs) on BLM lands (i.e. percent public land use). That grazing plan, carrying capacity, and percent of public land use is written into the grazing permit terms and conditions. The BLM may also need access on those owned/controlled intermingled lands for allotment/permit compliance inspections and to verify that allotment carrying capacity and percent public land use, as established in the permit, is not being exceeded and is accurate. See 43 CFR 4130.2, 4130.3-1, 4130.3-2, 4130.6-1, and BLM Manual Handbook H-4130-1.
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In some areas the BLM has an easement for a Federal range improvement (e.g. stock water pipeline) on private/County/State lands. The Bureau would then access the private/County/State land under the terms and conditions of that easement for activities such as inspections and maintenance. Any range improvements placed on private/County/State lands would first require clearances, such as a NEPA analysis and SHPO consultation with
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### Department of Interior, Bureau of Land Management, Range Management

surveys on affected lands. See responses from the BLM Realty, Cultural, and T&E Species Programs for further explanation.

Under the Pierce Act, the BLM may lease private, State, or County lands for grazing purposes within a grazing district, when it promotes orderly use of a district and aids in conserving its forage resources. The BLM would access those properties for administering those leases. See 43 CFR 4130.2 and 4600. The BLM may need access on private/County/State lands that are intermingled within an allotment for the purpose of developing or implementing an Allotment Management Plan or other activity plans. See 43 CFR 4120.2 The BLM may need to access private/County/State lands for the purpose of adjusting or designating grazing allotment boundaries. See 43 CFR 4110.2-4

### Department of Interior, Bureau of Land Management, Realty

Yes

There are times in order to get to public lands we have to cross private land ownership. This is especially true in the checkerboard area where every other section is private due to the railroad grants in 1862. However, there are many parcels of public lands that do require crossing over private lands in order to get to public lands. We will need to visit public lands to check on a right-of-way (i.e., roads, pipelines, communication sites, power and telephone lines, wind energy related monitoring and testing or even wind farms). We perform "onsite" visits with an applicant/proponent when they submit an application or for a pre-application meeting. We do have split estate situations as well for energy projects wherein we want to look at the surface or possibly look at lands where we have the minerals only. We do land tenure adjustments such as acquisitions, disposals, land exchanges & sales, withdrawals as well as unauthorized use that will require visiting the parcel(s) of public land involved and compliance inspections as well as monitoring construction of a project.

### Department of Interior, Bureau of Land Management, Resource Management

Yes

BLM air resources staff and designated contractor (Air Resources Specialists, Inc.) conduct air monitoring at one station located on state lands near Newcastle, Wyoming. Staff enter this area approximately once per quarter to calibrate and/or maintain air monitoring equipment.

### Department of Interior, Bureau of Land Management, Visual Resources

Yes

Completing Visual Resource Inventories and Contrast Ratings as part of the Visual resource Management Program.

### Department of Interior, Bureau of Land Management, Wildlife Program

Yes

Occasionally, BLM Wildlife biologists have a need to conduct wildlife surveys or monitoring related to wildlife population and habitat management for public lands that have a need for access through state or private lands. Often such surveys are done in coordination and cooperatively with the Wyoming Game and Fish Department. In most cases WGFD employees do most of the work on state and private lands, but often is much more efficient and productive to have BLM biologists complete monitoring and /or surveys on adjacent lands while they are doing public lands work. In many cases this can be done from public lands access points, but may sometimes require state and private lands access as well. Examples might be Sage grouse lek surveys or raptor nesting surveys. Private owner permission is requested for access to or across private land prior to needed time periods.

### Department of Interior, Bureau of Reclamation

Yes

Reclamation may need to enter on to private a d public land in Wyoming to: 1. Conduct surveys associated with land or easement acquisitions or the establishment of a boundary. 2. Access federal Reclamation project water conveyance facilities that have existing easements or right-of way.

### Department of Interior, National Park Service, Historic Preservation

Yes

The National Park Service (NPS) on occasion has the need to enter on private lands. Before doing so the NPS obtains a right of entry form from the landowner. In other instances, NPS has a legal access easement to enter on and cross private lands.

### Department of Interior, United States Geologic Survey

Yes

USGS staff enters public or private land in Wyoming to conduct field work associated with USGS studies of soils, geology, water, vegetation, and wildlife. Studies and field work are typically conducted with and for Federal, State, or Local agencies that own or manage lands or other natural resources in Wyoming. Special study areas include: 1) Southwestern Wyoming, as part of the Wyoming Landscape Conservation Initiative 2) Public and private lands to collect reliable, impartial, and timely-water resources data. Water resources monitoring programs are based on data collection at fixed sites on streams, groundwater wells, and other study or research sites. 3) BLM lands in the general area of Gillette and private lands in the area of Sheridan and Arvada. Work is conducted in collaboration with DOE and BLM. Project concerns the utilization and disposal of waters produced from coal bed, natural gas energy development. 4) Private lands in northeastern Wyoming to assess effects of subsurface drip irrigation with coal bed methane produced waters. 5) Public lands in National Parks and National Forests to collect snow accumulation samples. 6) Private lands near

### Department of Interior, United States Geologic Survey

the border of Montana to collect stream gauging data. 7) Collect analytical samples on public and private lands to better understand the geologic stratigraphy, structure, and landforms as related to origins, geologic relationships, and significance to resources, hazards, land use, and related potential. 8) Public lands in northern Wyoming to collect soil and water samples in collaboration with BLM. 9) Cooperative studies with Wyoming state agencies and Native Americans on the Wind River Reservation. 10) Fourteen seismic stations are operated in Wyoming to monitor earthquakes (10 are on federal lands, 1 is on state lands, 1 is on private lands, and 2 are on federal lands but require passage through private lands. 11) Public lands to conduct grizzly bear research. 12) Public lands to conduct vegetation surveys and soil analyses. Occasional need to cross private lands to access public lands. 13) Public and private lands to conduct research on elk that includes finding study animals, collecting habitat data, and retrieving GPS collars. 14) Public and private lands in the Upper Snake River to conduct research on cutthroat trout.

### Department of Justice, United States Attorneys' Office

No

N/A

### Department of Justice, United States Drug Enforcement Administration (Colorado Office)

Yes

The DEA enters on public and private lands to conduct enforcement operations such as conducting judicial authorized searches and to effect arrests. DEA also enters these lands while conducting investigations for surveillance operations, consistent with the U.S. 4th Amendment.

### Department of Labor, Mine Safety and Health Administration (Denver Office)

Yes

MSHA conducts unannounced inspections at mines in Wyoming

### Department of Labor, Occupational Safety and Health Administration

Yes

OSHA Inspectors may enter and inspect any property, premises or place, except private residences where persons are employed, at any reasonable time to investigate health and safety conditions and compliance with safety and health laws, rules and regulations. (Denver Office) – OSHA conducts workplace inspections throughout the State of Wyoming under the Occupational Safety and Health Act of 1970. The inspections are required to determine compliance with the Act. Additionally, Federal employees are covered by Executive Order.

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## Survey Question #2

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***For the conditions, circumstances, activities, etc., listed in Question #1, please identify the specific statutory or regulatory authority for access to Wyoming lands.***

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### State

#### Department of Agriculture, Consumer Health Services Division

W.S. 35-7-121 Federal Meat Inspection Act.

#### Department of Agriculture, Natural Resources and Policy Division

We only make entry onto the these lands at the request or invitation of the private land owner or the public land manager.

#### Department of Agriculture, Technical Services Division

\* Insect Pests of Concern - Gypsy Moths, et. al. Plant Protection Act, USC 7701-7772, (Public Law 106-224) \* Plan Health - Nursery Stock: W.S. 11-9-101 Nursery Stock \* Pesticides: W.S. 35-35-7-350 Wyoming Environmental Pesticide Control Act and Chapter 28 Pesticide Applicator Certification Regulations \* Apiary / Leaf Cutter Bees: W.S. 11-6-101 Apiary Registration and Inspection \* Predator Management: W.S. 11-6-101 Predatory Animals \* Seed: W.S. 11-12-101 Seeds \* Weed & Pest: W.S. 11-12-5-101 Weed & Pest Control (see companion document) \* Weights & Measures - Livestock Scales, et. al.: W.S. 40-10-101 Weights & Measures.

#### Department of Agriculture, Weed and Pest Division

Entrance occurs in relation to 11-5-101 through 11-5-119. However, private lands are not entered without landowner consent.

#### Office of the Attorney General, Division of Criminal Investigation

No Response

#### Department of Audit, Excise Tax Division

I don't know of any authority allowing us access to federal lands or Indian reservations without their permission. Private land could be any private land owned in the state from property in a downtown area to land owned in the wilderness. WS 9-2-2003(e) and WS39-15-108(c)(xi) give us the

**Department of Audit, Excise Tax Division**

authority to audit on private land.

**Department of Audit, Mineral Audit Division**

The Department of Audit, Mineral Audit Division derives its statutory authority to conduct audits from Wyoming Statute § 9-2-2003(e) which states: “Notwithstanding any other provision of law, the department of audit is authorized to conduct audits for the collection of federal and state mineral royalties and for collection of taxes imposed under Title 39, Wyoming Statutes, and may exercise the same authority with respect to audits that the state auditor and the department of revenue and taxation did on June 30, 1989.” The audit authority is further defined in state and federal statutes addressing the state and federal mineral royalties and for collection of taxes imposed under Title 39. For example, Wyoming Statute § 39-14-108 (b)(v) states: “All audits or department reviews, as applicable, pursuant to paragraphs (ii), (iii) and (iv) of this subsection are subject to the following conditions: (A) Audits are commenced when the taxpayer receives written notice of the intended action; (B) Prior to entering the premises of a taxpayer or third party, the taxpayer or third party shall be provided at least fourteen (14) days written notice.” The statutory language contained in Wyoming Statute § 39-14-108 (b)(v) is repeated in Wyoming Statute § 39-14-208 (b)(v); W.S. § 39-14-308(b)(v); W.S. § 39-14-408(b)(v); W.S. § 39-14-508(b)(v); W.S. § 39-14-608(b)(v); and W.S. § 39-14-708(b)(v).

Wyoming Statute § 39-14-108(b) (viii) further elaborates that “[i]n order to examine relevant books or records of a taxpayer subject to a tax imposed by this article or to secure any information related to enforcement of this article, authorized representatives of the department may at any time during normal business hours enter premises of a taxpayer liable for a tax imposed by this article or the premises of any third party having information regarding that taxpayer's liability. Prior to entering the premises of a taxpayer or third party, the department shall provide fourteen (14) days written notice to the taxpayer and third party. Such examinations shall be completed and the written results thereof provided to the taxpayer by the end of the third calendar year following the calendar year in which the audit was commenced. Again, this statutory language contained in Wyoming Statute § 39-14-108 (b)(viii) is repeated in Wyoming Statute § 39-14-208 (b)(viii); W.S. § 39-14-308(b)(viii); W.S. § 39-14-408(b)(viii); W.S. § 39-14-508(b)(viii); W.S. § 39-14-608(b)(viii); and W.S. § 39-14-708(b)(viii).

Wyoming Statute § 9-2-2003 (g) “In addition to the other powers and duties granted by law, either express or implied, the director shall have the following powers and duties: (ii) To prescribe reasonable rules and regulations as provided by the Wyoming Administrative Procedure Act, W.S. 16 3 101 through 16 3 115, which are no more stringent nor require more record keeping than the provisions of any or all tax, royalty and other revenue measures which are administered by the state of Wyoming.”

The Wyoming Department of Audit pursuant to Wyoming Statute § 9-2-2003 (g) did prescribe reasonable rules and regulations as provided for by the Wyoming Administrative Procedure Act. These rules contained in the Department of Audit’s Rules, Chapter XI, General Auditing Rules and

### Department of Audit, Mineral Audit Division

Procedures have the force and effect of law.

Section 1 titled Authority restates the legislative authority for promulgating the rules: “The rules governing the conduct of audits by the Department of Audit are adopted by authority of W.S. 9-2-2003(e) and (g)(ii).” Section 10 titled Engagement Letter; Notice of Taxpayer Rights further defines the statutory authority in terms of access to public and private property.

“(a) An engagement letter shall be sent to the entity to be audited to confirm the telephone contact and document the scope of the audit, the time period to be audited, the records and documents to be examined, the number of auditors assigned to the audit, the facilities required to accommodate them, and the name of the auditor in charge. An audit is commenced on the date the audited entity receives the engagement letter. The audited entity shall be given a minimum of fourteen (14) days from the date the engagement letter is received before the auditors enter the premises of the audited entity to conduct the audit. The engagement letter shall also explain the purpose of, and the need for, an opening and closing conference between the auditors and the audited entity.”

Section 12 Access to Records (a) further provides that “Auditors shall be given free and open access, during regular business hours, to any and all books, logs, journals, records or documents of the audited entity which the auditors deem relevant and necessary to the satisfactory completion of the audit and the rendering of a knowledgeable opinion, judgment or recommendation concerning the audited entity. If any book, log, journal, document, record or information relevant and necessary to the audit is kept or maintained electronically, the audited entity shall provide such data or access to such data in electronic form unless some other form is requested by the auditors and mutually agreed to by the audited entity. Auditors shall also be given necessary access to all personnel involved in the production of any records relevant to the audit, for discussion and explanation of the systems and operations which produce the records examined.”

Section 12 Access to Records (b) allows the use of a subpoena to gain access to “witnesses or documents as necessary for the audit, as authorized by W.S. 9-2-2003(g) (iv).” Then in section (c) of the rules further provide that “[i]f the records and documents defined in the engagement letter are not available to the auditors for commencement of the audit at the agreed time and place, or if additional records determined by the auditors to be necessary for conducting the audit are not made available within such time as the auditors may reasonably allow, the director of the department may apply to the attorney general for an action to obtain the records and for the assessment of costs or such other relief as may be appropriate because of the delay.”

The Secretary of the Interior is authorized pursuant to the provisions of Section 205 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, to delegate her authority and responsibilities under the Act to the States and the Secretary has promulgated regulations which are designed to avoid duplication of effort. The State is delegated the authority under a Cooperative Agreement in accordance with the provisions of the 1920 Minerals Leasing Act as interpreted by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 as cited in 30 CFR 228-101 et

### Department of Audit, Mineral Audit Division

seq. Under this Cooperative Agreement, the State shall adhere to all Federal laws, Federal lease terms, the Code of Federal Regulations, Notices to Lessees, and approved rules and regulations of the Secretary of the Interior in the conduct of its audits of Federal leases in the State.

30 C.F.R. §212.51(c) provides that lessee, operator, revenue payer, or other persons required to keep records shall make the records available for inspection. “Records shall be provided at a business location of the . . . during normal business hours upon request . . .” 30 C.F.R. § 217.50 provides for audits of oil and gas production. C.F.R. § 217.200 provides for audits of coal production and C.F.R. § 217.250 audits of other solid minerals.

The lease provisions also provide access to the leases for the purposes of inspection and other duties related to the leasing of state and federal royalties.

### Department of Corrections

The most relevant statutory references were included in response to Question 1. However, the following is a full listing of statutes that address the powers or responsibilities of the Wyoming Department of Corrections: Statutory references: W.S. §§ 9-2-2012; 25-1-104; 25-1-105 Additional references at: W.S. §§ 7-13-103 through 108; 7-13-301 through 307; 7-13-401 through 411; 7-13-418 through 424; 7-13-501 through 504; 7-13-701 through 702; 7-13-801 through 807; 7-13-901 through 915; 7-13-1001 through 1003; 7-13-1101 through 1107; 7-13-1301 through 1304; 7-13-1401; 7-13-1501; 7-15-101 through 105; 7-16-101 through 7-16-311; 7-18-101 through 115; 7-19-101 through 7-19-603; 7-22-101 through 115; 9-1-701 through 9-1-710; 9-2-2701 through 2706; 25-1-201; 25-2-101 through 104

### Department of Employment, Division of Mine Inspections and Safety

Mining Laws of the State of Wyoming 30-2-207, 30-2-208.

### State Engineer’s Office

Permits issued by the agency may include access provisions, and W.S. 41-3-503, 41-3-504, 41-3-603, and 41-3-604 provide the authority to regulate water and to shut head gates as necessary. Since most head gates are located on private property, the privilege of access is considered part of authority to regulate waters of the state.

### Department of Environmental Quality, Abandoned Mine Division

Wyoming Environmental Quality Act – Article 12, Abandoned Mine Reclamation Program, W.S. 35-11-1204

### Department of Environmental Quality, Director General Response

Permits and authorizations to emit or discharge contaminants are enforceable and our rules and regulations allow language to be in the permit allowing

### Department of Environmental Quality, Director General Response

inspections.

### Department of Environmental Quality, Land Quality Division

W.S.35-11-109(a)(vi); W.S. 35-11-411(c)  
LQD Coal Rules and Regulations, CH 16

### Department of Environmental Quality, Solid and Hazardous Waste Division

Environmental Quality Act: W.S. §35-11-109(a)(v), (vi), and (vii); W.S. §35-11-701(a); and W.S. §35-11-1422.

### Department of Environmental Quality, Water Quality Division

W.S. 35-11-109(a)(iv)(v)(iv) and (xi) describe the authority of the Director of the Department of the Environmental Quality to conduct monitoring, make inspection, and enter locations which may be the source of pollution. W.S. 35-11-303(a)(i) provides authority to make on-site inspection of permitted construction projects.

### Department of Family Services

WY Stat. 14-3-201, et seq.; 14-6-210 and 401, et seq.; 14-6-301, seq.; 14-4-101,; and 35-20-101, et seq. The Weatherization Program authority for inspection resides in Weatherization Program Notice 09-1.

### Department of Fire Prevention and Electrical Safety, Electrical Division

35-9-120 covers permit Inspections and 35-9-108 covers plan review Inspections.

### Department of Fire Prevention and Electrical Safety, Fire Prevention Division

35-9-107 Duties and power of State Fire Marshal. (a) The State Fire Marshal shall: (iii) Implement fire safety programs designed to minimize fire hazards and disasters and loss of life and property from these causes. These programs shall include: (B) Preventive inspection and corrective activities; (iv) Inspect each state owned building not under the authority of a local governmental entity pursuant to W.S. 35-9-121(b) and require conformance to the minimum standards of fire prevention, fire protection and public safety; (v) Inspect facilities or installations upon request by the owner. The department may charge reasonable fees not exceeding the cost of the inspection; (vi) Upon request, assist the chief of a fire company or

### Department of Fire Prevention and Electrical Safety, Fire Prevention Division

department, a fire marshal, a local building inspector, other state agencies or political subdivisions of the state or county fire wardens in fire prevention matters.

### Department of Fire Prevention and Electrical Safety, Training Division

35-9-109 (c) states that "the fire marshal may investigate the origin or circumstance of any fire or explosion or any attempt to cause a fire or explosion". Further, Section (d) states, "In performing the duties imposed by this act ... the state fire marshal may (i) enter and examine any building or premises where any fires or attempt to cause fire occurred. (ii) Enter any building adjacent to that in which a fire or attempt to cause a fire occurred; and (iii) Take full control and custody of the buildings and premises until his examination and investigations are completed."

### Game and Fish Department

W.S. §23-1-103 states all wildlife in Wyoming is the property of the state and it is the purpose of Title 23 and the policy of the state to provide an adequate and flexible system for control, propagation, management, protection and regulation of all Wyoming wildlife. The game and Fish Department follows guidance provided in Attorney General's opinions dating 1999, 1952 and 1933. These opinions provide direction to Game and Fish law enforcement officers probably cause to check compliance with hunting and fishing laws and regulations.

### Department of Health, State Epidemiologist

WS 35-1-240; WS 35-1-105(a)(vii)

### Department of Health, Office of Healthcare Licensing Facilities

#### BASIS FOR STATE AGENCY ACTIVITIES UNDER TITLE XVIII AND TITLE XIX OF THE SOCIAL SECURITY ACT

Section 1864(a) of the Act directs the Secretary to use the help of State health agencies or other appropriate agencies when determining whether health care entities meet Federal standards. This helping function is termed "certification." See 42 CFR 488.1.

Section 1902(a)(9)(A) of the Act requires that a State use this same agency to set and maintain additional standards for the State Medicaid program.

Section 1902(a)(33)(B) requires that the State use the agency utilized for Medicare or, if such agency is not the State agency responsible for licensing health institutions, the State use the agency responsible for such licensing to determine whether institutions meet all applicable Federal health standards for Medicaid participation, subject to validation by the Secretary. The complete Federal requirements are published in the "Federal Register." See 42 CFR Part 488. In addition, W.S. §35-2-907 gives authority to inspect all licensed health care facilities.

### Department of Health, Public Health Nursing Section, Division of Community & Public Health

The Public Health Nurse Managers are authorized to act as a designated agent of the state and county health office under statutes regarding local Boards of Health and Health Departments: WS 35-1-301,302,303,305 and those describing the County Health Officers: WS 35-1-240.

### Department of Health, State Homes

Life Resource Center – N/A  
 Pioneer Home – N/A  
 Retirement Home – N/A  
 State Hospital – N/A  
 Veterans' Home – N/A

### Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division

MLRC: W.S. 36-6-101; Chapter 18, Section 12 and 123 of the Rules and regulations of the board of Land Commissioners.

### Office of State Lands and Investments, Real Estate Management Division

REM: All activities are conducted in accordance with W.S. Title 36 and appropriate Rules and regulations of the Board of Land Commissioners.

### Office of State Lands and Investments, Wyoming State Forestry Division

WSFD: W.S. 7-16 Prison Labor; W.S. 8-4-102 Arbor Day; W.S. 36-1-401 - 403 Powers and Duties of the State Forester; W.S. 36-2-108 Appointment of the State Forester; qualifications; duties; W.S. 36-2-109 Fire Protection Revolving Account; W.S. 36-2-110 Interstate Compact for Prevention and Control of Fires; W.S. 336-1-401 - 404 Emergency Fire Suppression Account.

### Oil and Gas Conservation Commission

Commission field inspectors have statutory and regulatory authority to access Wyoming lands under Title 30 Mines and minerals, Chapter 5 Oil and gas, article 1 In General, W.S. 30-30-5-101 through 30-5-127; and title 30 Mines and Minerals, Chapter 5 Oil and gas, Article 4 Entry to Conduct Oil and Gas Operations, W.W. 30-5-401 through Title 35 Public Health and Safety, Chapter 9 Fire Protection, Article 1 Department of Fire Prevention and Electrical Safety, W.S. 35-9-106 through 35-9-123; and Title 35 Public Health and Safety, Chapter 11 Environmental Quality, Article 3 Water Quality, W.S. 35-11-30 through 35-11-318; and Title 39 Taxation and revenue, Chapter 14 Mine Production Taxes, Article 2 Oil and Gas, W.S. 39-

<b>Oil and Gas Conservation Commission</b>
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14-201 through 14-212.
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<b>Board of Outfitters and Professional Guides</b>
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W.S. 23-2-401 and W.S. 23-2-406 through 418
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<b>Department of Revenue</b>
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No Response
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<b>Department of State Parks and Cultural Resources, Historic Sites and Trails</b>
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Chapter 9 35-9-101-36-4-123.
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<b>Department of State Parks and Cultural Resources, Historic Preservation</b>
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Wyoming State Archaeologist Statute 1967; Wyoming Environmental Quality Act of 1973 (rules and regulations require consultation with SHPO); Wyoming State Lands Title 36 (36-1-114--116); National Historic Preservation Act 1966 (NHPA) as amended.
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<b>Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)</b>
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Wyoming State Statute 36-4-106(d).
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<b>Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)</b>
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Wyoming State Statute 36-4-106(d), Section 106 of the National Historic Preservation Act.
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<b>Department of Transportation</b>
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Conditions requiring WYDOT to enter public or private land are governed by W.S. 24-2-105, which places the agency in charge of state highways, and other statutes in Title 24, Highways, of Wyoming law pertaining to highway construction and maintenance and related activities.
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<b>Water Development Commission</b>
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41-2-114
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## Federal

### Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

Plant Protection Act of 2000, Federal Noxious Weed Act of 1974,  
Various regulations in 7 CFR sections 300 – 399, and 9 CFR sections 1 – 199

### Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

No Response.

### Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

The Wildlife Service program is authorized by Congress to conduct activities relating to most wildlife damage situations through the primary statutory authority of the Animal Damage Control Act of March 2, 1931, as amended (7U.S.C. 426c; 46 Stat. 1468) which reads, in part: The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory or privately owned lands of mountain lions, wolves, coyotes, bobcats,...and other animals injurious to agriculture, horticulture... and for the protection of stock and other domestic animals... **Provided, That in carrying out the provisions of this section the Secretary of Agriculture may cooperate with states, individuals, and public and private agencies, organizations and institutions.**

### Department of Agriculture, United States Forest Service (Colorado Office)

Public lands, access with the same restrictions as private individuals. Private lands accessed through ROWs or permission from owner.

### Department of Agriculture, Natural Resource Conservation Service

Landowner/operator permission.

### Department of Commerce (Denver Office)

N/A

### Department of Commerce, United States Census (Denver Office)

It varies some surveys are mandated by congressional law while others are conducted for other federal agencies, All data collected is protected by Titled 13 or 15 of the US Constitution.

### Department of Energy, Federal Energy Regulation Commission (Portland Office)

18 CFR 12.4

### Federal Emergency Management Agency

- a. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities.
- b. United States Code of Federal Regulations; Title 44. Emergency Management and Assistance

### Department of Homeland Security

Both the Wyoming Homeland Security Act., Title 19, Chapter 13, and the Wyoming Emergency Response Act, Title 35, Chapter 9, authorize response by WOHS and the regional Emergency Response teams, (under the authorization of the WOHS and the Regional Emergency Response Teams, (under the authorization of the WOHS Director or his Designee) to assist and provide resources as appropriate and requested by first responder agencies in need of support. Those first responder agency requests may be found in the Wyoming statutes specific to the first responder entities requesting resources. Those requests can involve firefighting services, police activities, communications, radiological events, evacuation of persons from stricken areas and a number of other events based on requests.

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

Federal solid mineral leases, permits, sales, and licenses to companies and individuals are issued pursuant to the following authorities:

- a) The Mining Law of 1872, as amended (30 U.S.C. 29)
- b) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.),
- c) The Materials Act of 1947, as amended by the Common Varieties Act of 1955 (30 U.S.C. 601)
- d) The Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351-359 et seq.),
- e) Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix),

**Department of Interior, Bureau of Land Management, Branch of Solid Minerals**

- f) The National Environmental Policy Act of 1969 (42 U.S.C. 55), and
- g) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)

Locatable mineral regulations governing Federal access to mineral operations include:

43 CFR 3809.411(a)(3)(v) – The BLM surface management staff in the Field Office may conduct on-site visits as part of the review of a proposed plan of operation or modification thereto.

43 CFR 3609.600 – BLM conducts inspections on an annual, semiannual or quarterly basis depending on the type of operation authorized.

43 CFR 3609.601 – BLM inspects for corrective actions required of an operator when a noncompliance order or suspension order is issued.

**Leasable** solid mineral regulations governing Federal access to mineral operations include:

43 CFR 3410.3-3 - Federal coal exploration license inspections

43 CFR 3482.1. and 3486.1(a) – Inspections of activities on Federal coal leases to verify production amounts and make sure that the operator is complying with the terms and conditions of the lease.

43 CFR 3590.2(b) – Inspections of other Federal solid mineral leases, licenses and permits

**Salable** mineral regulations governing Federal access to mineral operations include:

43 CFR 3601.51 – Inspections of mineral material sales and free use permits to verify production and conformance with regulations and terms and conditions of the contract

Access to development on split estate lands is governed by various laws under which land patents were issued. Most split estate land in Wyoming was patented under the Stock Raising Homestead Act of 1916 (39 Stat. 862), which only transferred the surface estate to the private owner but reserved all minerals to the U.S. This Act reserves the right of persons authorized by the U.S. under the various mineral laws to search for and develop public minerals underneath private surface patented under the SRHA. The 43 CFR 3814 regulations which implement this Act subject the entryman to three constraints. The entryman must: 1) secure the written consent of the surface owner; 2) agree to pay damages to crops or tangible improvements of the surface owner; or 3) if no agreement can be reached with the surface owner, execute a bond to the U.S. sufficient to compensate the surface owner for damages to crops or tangible improvements.

Other laws creating split estate have different types of provisions reserving all or some minerals, so access may be only for some minerals in some conditions. It is best to look at the specific language of the patent in these cases. For example, the Enlarged Homestead Act of 1909 only reserved coal to the U.S. and granted the rest of the minerals in a homestead entry to the surface owner.

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

**Locatable** mineral regulations addressing split estate include:

- 43 CFR 3838.11 through 3838.16 – Notices of intent (NOITL) to locate a claim on SRHA land
- 43 CFR 3809.11 and 3809.31(d) and (e) – Surface management Plans of Operation on split estate

**Leasable** solid mineral regulations addressing split estate include:

- 43 CFR 3410.3-4 – Bonds for coal exploration licenses on split estate
- 43 CFR 3420.1-4(e)(4) – Consultation with qualified surface owners when planning for Federal coal leasing in BLM land use plans
- 43 CFR 3427 – Qualified surface owner consent prior to leasing of Federal coal for surface mining
- 43 CFR 3503.25 – Applicability of 43 CFR 3500 regulations on split estate

Salable solid mineral regulations and court cases addressing split estate include:

Watt v. Western Nuclear, 462 U.S. 36 (1983) - This decision by the U.S. Supreme Court confirmed that gravel under SRHA lands is a mineral that belongs to the United States. Subsequent case law and Interior Board of Land Appeals decisions confirmed that other common variety mineral materials such as clinker (scoria) are included under the SRHA “all minerals” reservation.

- 43 CFR 3601.71(b) – Personal use of Federal mineral materials by a surface owner

### Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals

The BLM’s authority to enter and regulate oil and gas surface-disturbing activities on private lands over Federal minerals is provided by the specific statute that reserved the mineral estate to the United States. For example, the Stock Raising Homestead Act provides surface access to enter and re-enter and occupy so much of the patented surface as may be necessary to prospect for and remove minerals severed from the surface estate when the title was conveyed. See 43 U.S.C. § 299(a) (2006). In addition, the Mineral Leasing Act of 1920, (30 U.S.C. §§ 181-263, February 25, 1920) as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (30 U.S.C. §226(g)) provide:

*“The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this chapter, and shall determine reclamation and other actions as required in the interest of conservation of surface resources.”*

### Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management

State statutes pertaining to AML site reclamation. State AML access to Public Lands is authorized under cooperative agreements such as L10AC20547. The Wyoming State Office, Bureau of Land Management (BLM), is authorized and encouraged under the Federal Land Policy and Management Act of 1976 (FLPMA) , P.L. 95-579 (90 Stat 2743, Oct 21, 1976), Sec. 307(b); and, Executive Order 11514 as amended by E.O. 11991, to "...enter into ...cooperative agreements involving the management, protection...of public lands." Further, BLM's National Abandoned Mine Lands Strategic Plan, Parts 2.7.3 and 2.7.4, encourages cooperative approaches with state and federal agencies to leverage funds and remediate hazardous abandoned mine sites on Public Lands.

### Department of Interior, Bureau of Land Management, Forestry

Public lands, access with the same restrictions as private individuals. Private lands accessed through ROWs or permission from owner.

### Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program

In addition to the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976, regulatory authority under 43 CFR 3162.1(b) provides that the operator shall permit properly identified authorized representatives to enter upon, travel across and inspect lease sites and records normally kept on the lease. Such permission shall include access to secure facilities on such lease sites for the purpose of making any inspection or investigation for determining compliance with mineral leasing laws, regulations, and any applicable orders, notices or directives. 43 CFR 3162.2(e)1 provides for penalties if there is a failure to permit lawful entry or inspection authorized under 43 CFR 3162.1(b).

### Department of Interior, Bureau of Land Management, Preservation

There are two authorities, the National Historic Preservation Act of 1966 (NHPA) as amended and the implementing regulations found at 36 CFR Part 800, and Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment" and the regulations at 3 CFR 154 (1971).

### Department of Interior, Bureau of Land Management, Range Management

See responses for Question #1.

### Department of Interior, Bureau of Land Management, Realty

Anytime we access private/state owned lands we have several statutes, regulations, etc. that we abide by. One is the Federal Land Management and

### Department of Interior, Bureau of Land Management, Realty

Policy Act of 1976, as amended; another is the Mineral Leasing Act of 1920, as amended. We try to abide by the local, county, and state laws as closely as we can without hampering our own laws, regulations established by the federal government.

### Department of Interior, Bureau of Land Management, Resource Management

We have been granted a Temporary Use Permit by the State Board of Land Commissioners pursuant to Chapter 14 of the Rules and Regulations of the Board of Land Commissioners. We pay \$500 (\$100/year) as consideration for this permit. In general, we gather data to comply with commitments in several RODs (record of decisions) (per NEPA) and as part of our air strategy to manage air resources for protection under FLPMA (Federal Land Policy and Management Act).

### Department of Interior, Bureau of Land Management, Visual Resources

Federal Land Policy and Management Act, 1976.

### Department of Interior, Bureau of Land Management, Wildlife Program

BLM administered regulation of federal mineral estate allows access. Administration of federal grazing permits. Administration of Clean Air Act and Clean Water Act regulation may allow access for specific reasons. In most cases wildlife work does not have specific authority for access to Wyoming lands and BLM would request permission from private land owners before entering or crossing private lands. State lands that are land locked would also be accessed only by permission. Other state lands with public access could be entered by BLM employees in a similar manner that general public are allowed state land access.

Additionally all statutory authority is provided by the Rural Development, Agriculture, and related Agencies Appropriations Act of 1988 (Public Law 100-202, Dec. 22, 1987, Stat. 1329-1331 (7U.S.C. 426c)) that reads, in part: That hereafter, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activity and to enter into agreements with States, local jurisdictions, industrial and public and private agencies organizations, and institutions in the control of nuisance mammals and birds and those mammals and bird species that are reservoirs for zoonotic diseases.

### Department of Interior, Bureau of Reclamation

The Reclamation Act of 1902 as amended provides the general authorization of r Reclamation's activities. Right of Way to access Reclamation

**Department of Interior, Bureau of Reclamation**

project facilities is provided for pursuant the 1890 Canal Act or other acquired easements.

**Department of Interior, National Park Service, Historic Preservation**

The NPS access the State of Wyoming lands through the use of a permit or agreement.

**Department of Interior, United States Geologic Survey**

The U.S. Government provides an Annual Appropriation to provide a broad range of expertise in geography, geology, hydrology, biology, and data integration that is used by States, local communities, and others.

43 U.S.C. 31 et seq. Organic Act of March 3, 1879. Establishes the U.S. Geological Survey. Provides, among other matters, that the USGS is directed to classify the public lands and examine the geological structure, mineral resources, and products within and outside the national domain.

16 U.S.C. 17 et seq. National Park Service Organic Act of 1916. Authorizes the Secretary of the Interior to sponsor, engage in, and assist in research relating to outdoor recreation.

16 U.S.C. 661 et seq. Fish and Wildlife Coordination Act of 1934. Authorizes the Secretary of the Interior to prepare plans to protect wildlife resources, to conduct surveys on public lands, and to accept funds or lands for related purposes. Authorizes the investigation and reporting of proposed Federal actions that affect the development, protection, rearing, and stocking of all species of wildlife and their habitat in controlling losses, minimizing damages, and providing recommendations to minimize impacts on fish and wildlife resources.

16 U.S.C. 715. Migratory Bird Conservation Act of 1900. Authorizes the Secretary of the Interior to conduct investigations and publish documents related to North American birds.

16 U.S.C. 742(a) et seq. Fish and Wildlife Act of 1956. Authorizes the Secretary of the Interior to conduct investigations, prepare and disseminate information, and make periodic reports to the public regarding the availability and abundance and the biological requirements of fish and wildlife resources; provides a comprehensive national fish and wildlife policy and authorizes the Secretary of the Interior to take steps required for the development, management, advancement, conservation, and protection of fisheries and wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

16 U.S.C. 1531 et seq. Endangered Species Act of 1973, as amended. Provides for the conservation of threatened and endangered species of fish,

**Department of Interior, United States Geologic Survey**

wildlife, and plants, and authorizes establishment of cooperative agreements and grants-in-aid to States that establish and maintain active and adequate programs for endangered and threatened wildlife and plants.

30 U.S.C 1601 et seq. National Materials and Minerals Policy, Research and Development Act of 1980. Reemphasizes the responsibility of the Department of the Interior to assess the mineral resources of the Nation.

33 U.S.C. 1251–1274, 2901 Federal Water Pollution Control Act Amendments of 1972, Clean Water Act of 1977, and Water Quality Act of 1987. Authorizes extensive water quality planning, studies, and monitoring under the direction primarily of the EPA. Section 1254 authorizes the Administrator of the EPA to establish national programs for the prevention, reduction, and elimination of pollution including the establishment of a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters, utilizing the resources of the USGS and others. The USGS is called upon to participate in many of these activities, partly by the EPA and partly by State agencies in the Federal-State Cooperative Program [now called the Cooperative Water Program]. Estuaries and Clean Waters Act of 2000. Amends the Federal Water Pollution and Control Act (commonly known as the Clean Water Act) to include authorization for the following: Title I, Estuary Restoration; Title II, Chesapeake Bay Restoration; Title III, National Estuary Program; Title IV, Long Island Sound Restoration; Title V, Lake Pontchartrain Basin Restoration; Title VI, Alternative Water Sources; Title VII, Clean Lakes; and Title VIII, Tijuana River Valley Estuary and Beach Cleanup. (The Clean Water Act charges States and Tribes with setting specific water-quality criteria appropriate for their waters and for developing pollution control programs to meet the criteria. States and Tribes utilize USGS hydrologic data collection and monitoring to help meet Clean Water Act requirements.)

33 U.S.C. 2201 et seq. Water Resources Development Act of 1990. Authorizes a program for planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement, a implementation of a long-term resource monitoring program, and a implementation of a computerized inventory and analysis systems.

42 U.S.C. 6217 Energy Act of 2000. Extends energy conservation programs under the Energy Policy and Conservation Act through FY 2003. Specifically for the USGS, Section 604, "Scientific Inventory of Oil and Gas Reserves," instructs the Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, to conduct and update regularly an inventory of all onshore Federal lands. The inventory will identify (1) USGS reserve estimates of the oil and gas resources underlying these lands, (2) restrictions or impediments to development of such resources, and (3) furnish such inventory data to the House Committee on Resources and the Senate Committee on Energy and Natural Resources. Authorizes appropriations as necessary for implementation.

42 U.S.C. 7701 et seq. Earthquake Hazards Reduction Act of 1977. Sets as a national goal the reduction in the risks of life and property from future earthquakes in the United States through the establishment and maintenance of a balanced earthquake program encompassing prediction and hazard assessment research, seismic monitoring and information dissemination. Subsequent public laws established a National Earthquake Hazards Reduction Program, of which the USGS is a part. P.L. 96–472 authorizes the establishment of a National Earthquake Prediction Evaluation Council. P.L. 101–614 (National Earthquake Hazards Reduction Program Reauthorization Act), P.L. 105–47, and P.L. 106–503 (Earthquake Hazards Reduction Authorization Act of 2000) reauthorize the 1977 Act, repeal some sections, and add new language in some sections including the establishment of an Advanced National Seismic Research and Monitoring System.

**Department of Justice, United States Attorney's Office**

N/A

**Department of Justice, United States Drug Enforcement Administration, (Colorado Office)**

DEA's authority to conduct investigations into potential violations of the Controlled Substances Act is provided by Title 21 of the United States Code as well as Title 21 of the Code of Federal Regulations. Supplemental authorities of our authority can also be found in Title 18 of the United States Code. Our enforcement personnel receive their specific authority from 21 USC 878.

**Department of Labor, Mine Safety, and Health Administration (Denver Office)**

MSHA inspections are conducted pursuant to the Federal mine Safety & Health Act of 1977, Section 103(a).

**Department of Labor, Occupational Safety and Health Administration**

Wyoming Safety Act 27-11-101 through 27-11-114. Specifically 27-11-108(a).  
(Denver Office) – Occupational Safety and health Act of 1970 and Executive Order 12196.



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## Survey Question #3

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***For the conditions, circumstances, activities, etc., listed in Question #1, please identify the process used to access Wyoming lands.***

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### State

#### Department of Agriculture, Consumer Health Services Division

For the field kill of buffalo, it is at the request of the land owner or animal owner. For food establishment inspections, we are required by W.S. 35-7-121 to perform at least yearly inspections.

#### Department of Agriculture, Natural Resources and Policy Division

Some of the specific reasons we enter private and public lands in the state include: on the ground dispute resolution processes including Technical review Teams, stewardship tours conservation district tours, natural resource tours, rangeland monitoring discussions, policy-related visits to obtain a better development/implementation/evaluation and general natural resource management.

#### Department of Agriculture, Technical Services Division

The process may vary between the differing program activities. In most circumstances, the land owner or land managing agency is made aware of our entry onto the property by their purchase of a required license from the department, a postcard notice of inspection, phone call notice of inspection or entry, a memorandum of understanding between agencies, compliance agreements, cooperative agreements, public notices, legal warrants issued by law enforcement, working with individuals who have received prior permission (Examples: a beekeeper who has bees on another person's property a pesticide applicator who conducted an application on private or publicly land) and working with district or county supervisors (predator or weed & pest districts) who have working relationships or agreements in place to enter upon private or public lands. In some cases, a single landowner may not be individually contacted by our agency.

#### Department of Agriculture, Weed and Pest Division

Landowners are notified and permission is granted. Typically the permission is granted to the local Weed & Pest District Supervisor.

#### Office of the Attorney General, Division of Criminal Investigation

No Response

### Department of Audit, Excise Tax Division

Yellowstone Park or possibly the Devil's Tower area are the only areas of federal land I know of where we could go in and perform audits of retail businesses. We have to show our state id badges to get into Yellowstone Park or pay a fee. It is most likely we would not be allowed on Warren Air Force Base or the Indian reservations to do audits.

WS 9-2-2003(e) and WS39-15-108(c)(xi) give us the authority to audit on private land. If we are not allowed on private land to audit a legitimate business, we can subpoena their records and put a lien on their property.

### Department of Audit, Mineral Audit Division

The access process is quite simple. When the Inspection Specialist selects the meters to witness, contact is made to either the production company, the pipeline company, or the measurement company performing the meter work. Usually, a pre-arranged meeting location is selected and the Inspection Specialist is escorted into the lands by the personnel performing the meter work. In some cases, the location is already known by the Inspection Specialist and the location is driven to without the measurement company escort.

Roads and lands with locked gates always present a problem and are honored. In these cases, an escort is required to open these locks. Gates are opened as needed for access and left in the condition as found.

For the auditors the access process is worked out with the audit contact for the company after the audit is engaged, and at a time of mutual convenience.

### Department of Corrections

Access to lands under control of WDOC is per statutory authority and in accordance with the operational guidelines of the agency. Access for lands or facilities under lease or contract are subject to the conditions and processes set forth in the individual controlling lease or contract. In the course of supervising individual conditions of probation as ordered by the Court or individual conditions of parole as ordered by the Parole Board, an agent may enter Wyoming lands for the purpose of monitoring compliance with such conditions in the implicit authority of W.S. § 7-13-405(a).

### Department of Employment, Division of Mine Inspectors and Safety

We proceed to the mine site; identify ourselves and show ID, and then perform inspections of the operation.

**State Engineer's Office**

The location of permitted facilities and water diversion structures is generally known to SEO personnel. If a need to access the facility arises, SEO personnel will either drive or walk to the facility to perform their work.

**Department of Environmental Quality, Abandoned Mine Division**

AML has a standard access form we use on private land that is expedited before entry. On federal land (BLM & USFS) we use the specific federal agency forms depending on our activities. On state land we obtain a temporary use permit. This requires payment of a fee to State Lands and the lease if one exists. Any access to, and activities on, private lands are closely coordinated with the private landowner.

**Department of Environmental Quality, Director General Response**

Announced and un-announced inspections.

**Department of Environmental Quality, Land Quality Division**

LQD inspectors may inspect coal operations without prior notice, but generally make arrangements with non-coal operators to inspect their operations. If the operation is on federal surface, LQD inspectors attempt to include a BLM representative on the inspection as well. Other surface owners (private and state) may also participate in an inspection. If the inspection is occurring as part of a public notice process, any member of the public with an interest in the operation may also join an inspection.

**Department of Environmental Quality, Solid and Hazardous Waste Division**

Inspection and compliance personnel routinely conduct inspections of permitted waste management facilities and regulated storage tank facilities, and respond to complaints, as needed. For complaint inspections, landowner consents are first obtained before accessing a site. For permitted facilities and regulated storage tank facilities, advance notice of an inspection may or may not be given. In addition, permits typically allow for right of entry to permitted facilities and statute allows right of entry to storage tank sites for inspection and cleanup. For investigation and cleanup of third party sites contaminated by a storage tank, an access agreement is negotiated with the third party property owner. As discussed above, employees and/or property owners may request site visits for compliance assistance and/or pollution prevention guidance.

**Department of Environmental Quality, Water Quality Division**

It is the policy and practice of the Water Quality division to make contact with private landowners and obtain permission prior to entry. Exceptions may occur when a permit holder such as an oil company, owns and operates a facility located on private land. In such cases the Division relies on the permit holder to have obtained the authorization necessary to enter the property and Division staff enters the property with the oil company's

**Department of Environmental Quality, Water Quality Division**

personnel.

**Department of Family Services**

The department of family services does NOT enter private land for the execution of any of the duties or activities detailed in Question #1 without permission of the land owner. If there is imminent danger to a child, a referral is made to law enforcement and law enforcement acts. In juvenile delinquency cases, law enforcement may be contacted to intervene with the juvenile.

**Department of Fire Prevention and Electrical Safety, Electrical Division**

None.

**Department of Fire Prevention and Electrical Safety, Fire Prevention Division**

New and remodel construction - plan review inspections are conducted as needed. Maintenance inspections - conducted on an annual, 18 month, or biannual schedule as determined by building occupancy.

**Department of Fire Prevention and Electrical Safety, Training Division**

Typically, if a fire has occurred then the fire department is on scene already and has secured the scene/buildings under exigent circumstances. As such entry is not typically a problem. If however, the fire department has left the scene, we will work to secure the permission of the land/building owner prior to conducting the investigation. As this is typically in the best interest of all parties involved, it has not proven a problem in the past. If such permission cannot be obtained, we will work with local law enforcement to obtain the necessary warrants.

**Game and Fish Department**

There are no restrictions for legal access to public lands. Access to private lands for non-enforcement related duties is strictly limited to properties where landowner's permission has been obtained. Law enforcement personnel may access "open fields" in accordance with existing case law.

**Department of Health, State Epidemiologist**

Would talk to owner/manager of the property in question to explain situation and try to meet with them at the site of concern. If owner/manager was uncooperative, would seek order from AG office granting access. If the locale had a full service local public health office, we would coordinate with

**Department of Health, State Epidemiologist**

them to see if local ordinances, enforceable through county/city attorney, could be used to grant access.

**Department of Health, Office of Healthcare Licensing Facilities**

Motor vehicle.

**Department of Health, Public Health Nursing Section, Division of Community & Public Health**

Our priority is to communicate effectively and establish partnerships to allow cooperation. If there is no cooperation and a threat to the public's health exists such as raw sewage, endangerment to children then the legal process per state statutes will be followed to gain access.

**Department of Health, State Homes**

Life Resource Center – N/A  
 Pioneer Home – N/A  
 Retirement Home – N/A  
 State Hospital – N/A  
 Veterans' Home – N/A

**Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division**

MLRC: Drive to each lease site; contact grazing lessee and/or mineral lessee as necessary prior to entry.

**Office of State Lands and Investments, Real Estate Management Division**

REM: When accessing state trust lands, office staff/representatives notify lessees when possible. Access is accomplished using a marked vehicle and in accordance with range management best practices. If accessing State lands via private land or other public lands all efforts are made to acquire permission prior to entry from the landowner.

**Office of State Lands and Investments, Wyoming State Forestry Division**

WSFD: For emergency actions, such as fire management activities, state personnel enter federal and private land as needed under assumed permission unless the land owner refuses such access. For normal non-emergency actions, such as providing technical forestry assistance and cooperative management, state personnel access federal and private lands upon request of the landowner. For state trust land administrative access state personnel

### Office of State Lands and Investments, Wyoming State Forestry Division

cross adjacent private and federal lands as needed unless the landowner refuses such access. Agency staff makes every effort to maintain a cooperative "neighborly" relationship with landowners to avoid problems accessing state lands. Problems with administrative access for state personnel have not been common, though they do occur at times.

### Oil and Gas Conservation Commission

Typically, field inspectors travel on state, county, private, lease and two-track roads as they access Wyoming lands to perform oil and gas inspections. In some cases, this involves accessing sites through gates, locked and unlocked. Field inspectors are known to most landowners, are readily identifiable by the state license plate, and have developed relationships with landowners and/or lessees, and in many cases have been provided padlock combinations, or in all cases will call the appropriate person in advance to inform them of the timing and reason for accessing their lands. Field inspectors respect the wishes of the surface owner and will use off-road utility vehicles or, in extreme cases, will walk into the oil and gas sites to perform inspections or other work.

### Board of Outfitters and Professional Guides

The Board understands access to public land is open to all persons. For private lands either a search warrant or landowner permission is obtained prior to entry pursuant to W.S 23-2-410(d) which provides: "Unless a court issues a search warrant based on probable cause that a private property owner is engaged in illegal outfitting activities, investigators of the board shall not enter onto private property without express permission from the property owner. the board shall not require private landowners to sign an authorization form for outfitters licensed by the board to enter lands owned by the person."

### Department of Revenue

No Response

### Department of State Parks and Cultural Resources, Historic Sites and Trails

Most are by agreement or contract, others by rule and regulation and then rarely on request and special projects.

### Department of State Parks and Cultural Resources, Historic Preservation

No Response.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)**

On public lands, the land managing agency is contacted prior to conducting an archaeological survey. For private lands, the landowner is contacted or has already contacted staff to request their assistance. Staff does not enter private or public lands without notification to the proper individuals.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)**

For public lands, the land managing agency is contacted prior to conducting an archaeological survey. For private lands the client has contacted the landowners about their project. The archaeological survey personnel are just one of a number of individuals or sub-contractors that would be accessing their lands.

**Department of Transportation**

The exact process used depends upon the nature of the access; requirement of existing permits, licenses, or easements and landowners preferences. The process for using easements, for example, can be much different from that used to inspect a billboard for an outdoor advertising license.

**Water Development Commission**

1. Seek landowner permission for site visits. 2. Acquire easements for drilling and geotechnical evaluations. 3. Acquire project lands through easements or purchase. (W.S. 41-2-114(a)(iv)(c))

## Federal

### Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

For access onto State and Public lands, APHIS PPQ follows access policies as outlined in the Wyoming Public Land Access Guide. General policies are accessing public land on foot and staying on established roads if access is by vehicle. Policies within this guide relative to crossing private land to access public land are also followed. For access onto private land, for the most part, private landowners are contacted and permission is gained prior to entering private lands. This is usually done verbally. In cases where specific permission is not possible/feasible (such as grasshopper and Mormon cricket surveys described below), general knowledge of APHIS PPQ activities are communicated through outreach and public meeting, usually at the County level.

### Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

With Owner permission or in conjunction with State agencies.

### Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

For private land an Agreement For Control Of Animal Damage On Probate Property is signed by the landowner, Lessee or administrator, Section 3 of that agreement reads: In consideration of the benefits to be derived from the proper control of damage caused by those species listed in Section 2 of the agreement, ... do hereby give my consent, and concurrence, to the APHIS to use, upon lands owned, leased or otherwise controlled by me...

### Department of Agriculture, United States Forest Service (Colorado Office)

For private lands without legal ROW access - contact landowner, for lands with ROWs established none.

### Department of Agriculture, Natural Resource Conservation Service

No Response.

### Department of Commerce (Denver Office)

N/A

**Department of Commerce, United States Census (Denver Office)**

A sample of addresses is scientifically selected to be visited typically on a monthly basis. Data collected produces such things as the unemployment rates, population estimates, mobility, etc.

**Department of Energy, Federal Energy Regulation Commission (Portland Office)**

We contact the project licensee to arrange a time and schedule for inspections.

**Federal Emergency Management Agency**

a. FEMA will access Wyoming lands only upon the request of the Governor of Wyoming and a subsequent disaster or emergency declaration by the President of the United States. The request to access will be specific to certain counties, cities, or Indian Tribes, and in coordination and cooperation with officials of those entities.

**Department of Homeland Security**

In all cases, the conditions, circumstances and activities listed in question #1, causing the Wyoming Office of Homeland Security or the regional emergency Response teams to access Wyoming lands, will be guided by the federal, state or local authority in charge, directing the Wyoming Office for Homeland Security to access those lands with requested resources.

**Department of Interior, Bureau of Land Management, Branch of Solid Minerals**

The Federal use authorizations mentioned above; i.e., leases, sales, permits, and licenses, do not by themselves give the companies or individuals developing the Federal mineral resource the right to mine. They also must obtain a mine permit issued by the State of Wyoming Department of Environmental Quality's Land Quality Division (LQD). The DEQ will not grant a permit to mine to a company or individual, until that entity has demonstrated that they have permission from the surface owner to enter onto the surface. These permits have protections for the surface owner as well as reclamation requirements.

For solid mineral authorizations other than coal, BLM's inspection responsibilities include assuring proper reclamation of the surface as well as compliance with the terms and conditions of the permit, sale, license, or lease. For coal, the LQD has been delegated the authority to enforce the reclamation provisions of the Federal 1977 Surface Mining Control and Reclamation Act (SMCRA), under authority of the Federal Office of Surface Mining and Reclamation (OSMRE) and BLM inspection responsibilities are confined to verifying production and assuring compliance with the terms and conditions of the lease. Most coal in the Powder River Basin is on split estate and LQD will not issue a permit unless the coal company has

**Department of Interior, Bureau of Land Management, Branch of Solid Minerals**

permission from the surface owner to mine.

Concerning Federal surface that is managed by an agency or bureau other than the Department of Interior, or BLM, the BLM will get consent/recommendations from that other agency/bureau before issuing a lease, sale, permit, or license.

**Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals**

For split-estate fluid mineral development, these are described more fully in detail in Onshore Oil and Gas Order No. 1 (72 FR 10308-10338, March 7, 2007) and in BLM policies and manuals, such as the Gold Book. In short, the BLM's regulations require that the agency notify the private landowner, invite the landowner to field visits for the purpose of considering proposed Federal drilling permits, and that the BLM carefully consider their views. Private surface owners are provided copies of the Federal drilling permits proposed on their lands, and the final permit conditions required by the BLM. Lastly, the Federal oil and gas operator must certify that they have reached agreement with the landowner for access and damages, or the operator must post a bond with the BLM for benefit of the landowner and subject to the provisions of the patent that segregated the mineral estate from the surface estate. The BLM does not guarantee oil and gas operators access across non-BLM lands to reach Federal mineral leases. See, e.g. International Petroleum Exploration and Operating Corporation. 178 IBLA 1, (June 30, 2009).

**Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management**

The State AML contacts private land owners (mine claimants) to inquire of their interest in having hazardous mine features remediate on their lands. The necessary survey/design and construction is completed on private lands if the owner grants permission of access in writing.

**Department of Interior, Bureau of Land Management, Forestry**

For private lands without legal ROW access - contact landowner, for lands with ROWs established none.

**Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program**

The oil/gas operator is required to acquire access in order for BLM to conduct oil/gas inspections through the use of a surface access agreement. Under Onshore Order No. 7, where the surface is non-Federal overlaying Federal oil/gas minerals, the operator must make a good faith effort to notify the private surface landowner before entry and make a good faith effort to obtain a surface access agreement. If there is no surface access agreement, the operator must submit a bond to BLM for the benefit of the surface land owner sufficient to compensate for any loss or damages. Surface landowners have the right to appeal the sufficiency of the bond. The operator must make a good faith effort to provide a copy of the Surface Use Plan of Operations to the surface land owner.

### Department of Interior, Bureau of Land Management, Preservation

It is the responsibility of the project proponent to obtain permission from the non-Federal landowner for access to conduct a cultural inventory. An archaeological consulting firm is usually hired to conduct the Class III (pedestrian surface) inventory. The archaeologists will walk over the land and record any archaeological sites they find. In some cases, shovel testing will be necessary to help make the decision about whether a site is significant. If a significant site cannot be avoided by the project, then excavation may have to occur. If artifacts are identified and collected, they will be analyzed and returned to the private surface owner (unless the owner signs a donation form, in which case the artifacts will be crated at the University of Wyoming's Archaeological Repository).

### Department of Interior, Bureau of Land Management, Range Management

In general, the BLM may need to access private/State/County lands in order to access BLM administered land. If permission is required, access would be requested beforehand, either formally or informally depending upon the circumstance.

When a decision is issued to approve a grazing application and authorize a BLM grazing permit, it establishes the relationship, either written and/or unwritten, for the permittee to provide BLM reasonable access across their owned/controlled lands for the purpose of accessing BLM administered lands.

When owned/controlled lands or water are identified as base property in a BLM grazing application, that information may need to be verified in the field, which would require access to that owned/controlled land or water.

When a person submits an application to graze their owned/controlled lands in common (i.e. unfenced) with BLM lands, the agency may require access to help determine a grazing plan, the carrying capacity, and percent of public land use in the allotment and subsequent grazing permit. When an applicant signs a grazing permit, they agree to its terms and conditions (e.g. dates, AUMs, etc.) for the use of that allotment.

If a Federal range improvement is installed on non-Federal land, the BLM would pursue an easement, which would be handled by BLM Realty staff. Any Federal action on non-Federal lands also triggers a NEPA analysis of impacts and associated on-the-ground clearances and surveys.

A private/County/State land lease agreement with the BLM under the Pierce Act would establish the relationship for BLM access on those leased lands.

When an Allotment Management Plan (AMP) or other resource activity plan is proposed, BLM is required to coordinate, cooperate, and consult with

### Department of Interior, Bureau of Land Management, Range Management

affected/interested parties. An EA or EIS would be prepared with a subsequent grazing decision, which would include adding the AMP to the terms and conditions of the associated allotment grazing permit.,  
To adjust or designate a grazing allotment boundary, the BLM is required to coordinate, cooperate, ,and consult with interested/affected parties. An EA or EIS would be prepared with a subsequent decision and Range Line Agreement.

### Department of Interior, Bureau of Land Management, Realty

If there isn't a county or state road, or if BLM doesn't have a road easement across the private lands we call the landowner to request permission to cross the private lands in order to get to the public lands. There are times, as time allows, that we do request permission with a letter.

### Department of Interior, Bureau of Land Management, Resource Management

Motor vehicle via dirt road.

### Department of Interior, Bureau of Land Management, Visual Resources

In the Visual Resources program we obtain the location (Township Range and Section) of a proposed project using a Geographical Information System (GIS) layer, then download those locations into a Global Positioning System (GPS) hand held unit. Then the contractor or BLM staff will complete a Contrast Rating System Form (VRM Handbook) from those locations to analyze potential impacts to the existing visual quality from a proposed project.

### Department of Interior, Bureau of Land Management, Wildlife Program

As indicated above, some specific authorities and regulations allow BLM access to private and state lands. In instances where specific authority does not apply, BLM requests permission for access in advance from private land owners or their agents. Most wildlife activities that might need access would request permission prior to needs and would only enter or cross private lands after permission has been granted.

### Department of Interior, Bureau of Reclamation

If no easement/right-of-way exists, Reclamation secures the permission from the owner prior to entry.

### Department of Interior, National Park Service, Historical Preservation

The NPS access the State of Wyoming lands through the use of a permit or agreement. The use would be for the administrative purposes only to access Park Service lands through state lands, i.e.; fire protection, visitor use safety and management of Park Service properties where alternative access is unavailable.

### Department of Interior, United States Geologic Survey

For public lands, USGS typically consults with the land managing agency about planned activities and study area locations prior to entering public lands. Often the land managing agency is a partner in the work activities. For private lands, USGS obtains written permission from the land owner prior to accessing the owner's land.

### Department of Justice, United States Attorneys' Office

N/A

### Department of Justice, United States Drug Enforcement Administration (Colorado Office)

Public access to conduct investigations consistent with the U.S. 4th Amendment.

### Department of Labor, Mine Safety and Health Administration (Denver Office)

MSHA personnel access mine property via government owned vehicles and generally access mine property through mine gates.

### Department of Labor, Occupational Safety and Health Administration

The inspector notifies the employer at the opening conference that an inspection will be taking place. No person conducting an inspection shall unreasonably interfere with the operations, business or work of any employer or employee.  
(Denver Office) – OSHA conducts inspections of Federal workplaces in Wyoming such as post offices, military bases, VA hospitals, national forests, BLM lands and private leased space where Federal employees are located. OSHA conducts unannounced inspections at these locations. OSHA also has jurisdiction on private sector contractors working on military bases throughout Wyoming.



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## Survey Question #4

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*For the conditions, circumstances, activities, etc., listed in Question #1, please identify any duplication of actions between federal and state agencies that you think may currently exist.*

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### State

#### Department of Agriculture, Consumer Health Services Division

On occasion, a federal inspector may perform an inspection at a food processing establishment on a private or public land.

#### Department of Agriculture, Natural Resources and Policy Division

Our efforts are too duplicated by other state or federal agencies as we are the voice for agriculture in the NEPA process on policy negotiation. We are the agency acting as an advocate for agriculture and work with landowners and land management agencies in an attempt to maintain agriculture sustainability in the state.

#### Department of Agriculture, Technical Services Division

No duplication of efforts is known to exist. There may be the same activity taking place (i.e.. insect surveys such as for grasshoppers), but it is done in full cooperation between the federal, state, county or local governments and collectively accomplished to meet the same goal.

#### Department of Agriculture, Weed and Pest Division

None.

#### Office of the Attorney General, Division of Criminal Investigation

No Response

#### Department of Audit, Excise Tax Division

I don't know of any duplication of actions between federal and state agencies.

**Department of Audit, Mineral Audit Division**

There is some duplication of efforts on witnessing meter calibrations and LACT meter proving. On Federal leases, personnel from the BLM and/or Indian Lands may also witness the meter work. However, for the past 6 ½ years when the Department of Audit is witnessing, less than 6 times has another agency had personnel present. On State Land leases, the State Lands inspectors inspect the lease per terms of the lease agreement which differs from actual meter witnessing. These may include things such as lease site cleanliness, weed control, evidence of leaks, fencing, etc. Should the Audit Department Inspection Specialist notice any of these conditions while witnessing; the issue is discussed with the production representative at the location.

**Department of Corrections**

None known.

**Department of Employment, Division of State Mine Inspections and Safety**

The mine safety and health Administration performs a similar inspection at their operation.

**State Engineer's Office**

None that we are aware of.

**Department of Environmental Quality, Abandoned Mine Division**

There is no duplication of actions between federal and state agencies for acquiring access that AML has experienced.

**Department of Environmental Quality, Director General Response**

In nearly all cases, our federal partners; EPA and Office of Surface mining have same jurisdictional power as ours and can get federal court orders for entry.

**Department of Environmental Quality, Land Quality Division**

LQD does not know of any duplication of actions.

**Department of Environmental Quality, Solid and Hazardous Waste Division**

Certain facilities may be operating under permits from other DEQ divisions, most commonly Air Quality and Water divisions. However, because the

**Department of Environmental Quality, Solid and Hazardous Waste Division**

permits regulate specific activities overseen by the other DEQ divisions, duplication of actions or efforts usually doesn't occur. In some cases, Water Quality Division and SHWD may experience some duplication when water-borne contaminants from solid or hazardous wastes have potential to impact waters regulated by the Water Quality Division. In addition, U.S. EPA may conduct inspections at hazardous waste management response to federal initiatives at hazardous waste facilities. In some cases, the EPA inspectors may duplicate state actions.

**Department of Environmental Quality, Water Quality Division**

The Water Quality Division's programs for permitting discharges to surface water and to ground water are delegated to the state by the US Environmental Protection Agency (EPA). In their oversight role, staff or contractors from the EPA sometimes make inspections of pollution sources in Wyoming. EPA generally follows the same procedures to gain access as described for the water Quality Division in item 3 above. The State of Wyoming does not have primacy for implementation of portions of the Safe Drinking Water Act. Therefore, EPA personnel and contractors commonly make inspection of public water supply systems in Wyoming. It is our experience the EPA provides advance notice to the public water supply prior to making such inspections.

**Department of Family Services**

There is no duplication, between Wyoming Department of Family Services and any federal agency, of the activities listed in Question #1.

**Department of Fire Prevention and Electrical Safety, Electrical Division**

We only look at Federal projects if requested.

**Department of Fire Prevention and Electrical Safety, Fire Prevention Division**

OSHA sometimes conducts similar inspections, however, our statutory requirement is public safety, and theirs' is employee safety.

**Department of Fire Prevention and Electrical Safety, Training Division**

None.

**Game and Fish Department**

It is our belief that there are few situations where there is a duplication of action between federal and state agencies.

**Department of Health, State Epidemiologist**

EPA has SWDA primacy in WY, so access could be needed by both EPA and WDH.

**Department of Health, Office of Healthcare Licensing Facilities**

No Response.

**Department of Health, Public Health Nursing Section, Division of Community & Public Health**

Duplication? We collaborate with partners such as the federal Centers for Disease Control, federal EPA in terms of safe water supplies, OSHA for safe work environment, state DEQ in terms of water, solid waste, air quality, Department of Ag for food inspections. There may be overlap but I'm not sure if I would classify it as duplication.

**Department of Health, State Homes**

Life Resource Center – N/A  
 Pioneer Home – N/A  
 Retirement Home – N/A  
 State Hospital – N/A  
 Veterans' Home – N/A

**Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division**

MLRC: None that we are aware of.

**Office of State Lands and Investments, Real Estate Management Division**

REM: The Division works in cooperation with a number of State, Federal and local agencies as well as with private land owners and interest groups. Some examples are the cooperation with the Wyoming Game & Fish, DEQ, State Engineers Office, local Sheriff Departments and Fire Districts, area Weed & Pest Districts, Conservation Districts and our lessees'. While none of these groups is duplicating the actions of the Real Estate Management Division, they are certainly partners in our effort to manage the land.

**Office of State Lands and Investments, Wyoming State Forestry Division**

WSFD: We are not aware of any federal duplication of Forestry Division Responsibilities other than fire management, which is a cooperative effort

**Office of State Lands and Investments, Wyoming State Forestry Division**

between local, state and federal entities. In some fire management actions, both federal and state employees may enter private land as part of the cooperative fire management effort.

**Oil and Gas Conservation Commission**

Duplication may exist at limited times with other state agencies as Commission field inspectors do perform inspections on state leases as do the two (2) Office of State Lands and Investment field inspectors. This duplication is not common but does happen in areas of oil and gas increased activity on state lands. In the other rare cases, Commission field inspectors may be on the same private or state site as a Department of Environmental Quality field inspector from Air quality, Industrial Siting, Land Quality, Solid and Hazardous Waste or Water Quality Divisions. In even more rare cases, duplication may occur with the Office of the State Engineer's personnel from Groundwater, Surface Water, Safety of Dams, and Interstate Stream Divisions.

**Board of Outfitters and Professional Guides**

The Board operates pursuant to an MOU with the federal and state agencies having authority over public lands.

**Department of Revenue**

No Response

**Department of State Parks and Cultural Resources, Historic Sites and Trails**

No Response

**Department of State Parks and Cultural Resources, Historic Preservation**

None.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)**

None.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)**

No Response.

Department of Transportation

No Response.

Water Development Commission

No Response

## Federal

### Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

Wyoming County Weed and Pest Districts also conduct noxious weed surveys and some grasshopper/Mormon cricket surveys. This effort is usually done deeper into private and State land holdings and the data is shared with APHIS PPQ.

### Department of Agriculture, Animal & Plant Inspection Service, Veterinary Services

None known.

### Department of Agriculture, Animal & Plant Inspection Service, Wildlife Services

No duplications have been identified.

### Department of Agriculture, United States Forest Service

No Response.

### Department of Agriculture, Natural Resources Conservation Service

Some Wyoming NRCS Snow Survey sites are monitored and serviced by employees of the National Park Service or Wyoming state Engineers Office.

### Department of Commerce (Denver Office)

N/A

### Department of Commerce, United States Census (Denver Office)

None unless the state is doing its own surveys we do not know about.

### Department of Energy, Federal Energy Regulation Commission (Portland Office)

I am unaware of any duplication

### Federal Emergency Management Agency

a. There should be no duplicative actions.

### Department of Homeland Security

Duplication of actions may occur under unique circumstances. However, a review of responses, to date, indicate any resources requested from the Wyoming Office of Homeland security have occurred when the requesting agency(s) have been overwhelmed by a situation requiring additional or unavailable resources.

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

The BLM has entered into or is updating Memoranda of Understanding with the Federal and state agencies involved with the particular program areas to reduce duplication of permitting efforts, including bonding and inspections. Joint bonding of operations is required by some of the MOUs between BLM and LQD. These MOUs also encourage the BLM and LQD to jointly inspect operations. An example is the 2003 Supplement to MOU WY-19 between BLM and the Wyoming Land Quality Division [posted at [http://www.blm.gov/wy/st/en/programs/mineral\\_resources.html](http://www.blm.gov/wy/st/en/programs/mineral_resources.html)] for locatable minerals.

### Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals

None.

### Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management

State AML and BLM coordinate activities to prevent duplication of effort.

### Department of Interior, Bureau of Land Management, Forestry

No Response.

### Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program

The Wyoming Oil & Gas Conservation Commission (WOGCC) has an oil/gas inspection staff that may conduct oil/gas inspections on the same properties but may be inspecting for different purposes than BLM inspectors. Usually, there is limited manpower for joint inspections to be conducted on the same properties

**Department of Interior, Bureau of Land Management, Preservation**

There is no duplication of actions between federal and state agencies. The cultural resource section of state government (State Archaeologist or State Historic Preservation Office) does not conduct surveys on state or private lands for purposes of compliance with federal laws and regulations.

**Department of Interior, Bureau of Land Management, Range Management**

There may be some duplication with the USFS.

**Department of Interior, Bureau of Land Management, Realty**

There might be times Wyoming DEQ or the Oil & Gas Commission may wish to do compliance checks or do an inspection of an activity such as any oil and gas, mining, anything to do with historical areas, to make sure [they] are performing the activities correctly, specially on split estate, and other mining areas as well as other activities in which the State officials would get involved including SHPO.

**Department of Interior, Bureau of Land Management, Resource Management**

No Response.

**Department of Interior, Bureau of Land Management, Visual Resources**

No Response

**Department of Interior, Bureau of Land Management, Wildlife Program**

Because the BLM and WGFD make concerted efforts to avoid duplication of work or actions through cooperation and coordination, most wildlife survey and monitoring work is not duplicated. In some cases similar work activities are done by both agencies but usually such efforts gather different types of information for different purposes and do not duplicate actions.

**Department of Interior, Bureau of Reclamation**

No duplication.

**Department of Interior, National Park Service, Historic Preservation**

There may be concurrent jurisdiction for law enforcement on certain lands within the State of Wyoming to state highways.

**Department of Interior, United States Geologic Survey**

I am not aware of any duplication of actions among agencies related to USGS field work on lands in Wyoming. Studies are coordinated with the Wyoming Departments of Game and Fish, of Agriculture, and of Environmental Quality.

**Department of Justice, United States Attorneys' Office**

N/A

**Department of Justice, United States Drug Enforcement Administration (Colorado Office)**

No Response.

**Department of Labor, Mine Safety, and Health Administration (Denver Office)**

The Wyoming State Inspector of Mines, Division of Mine Safety & Inspections conducts similar inspections activities as MSHA.

**Department of Labor, Occupational Safety and Health Administration (Denver Office)**

There is no duplication of OSHA actions, Wyoming is a State Plan Program.  
(Denver Office) – Duplication does not appear to occur because private sector employees are covered by the State of Wyoming Worker's Safety and Compensation Division.

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## Survey Question #5

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*Prior to entry onto private land in Wyoming, is the landowner first informed?*

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### State

Department of Agriculture, Consumer Health Services Division
Yes
On most occasions. By telephone.

Department of Agriculture, Natural Resources and Policy Division
Yes
Through the administration of the programs, we only obtain entry when we are accompanying the landowner/manager for a specific purpose.

Department of Agriculture, Technical Services Division
No Response
Please Refer to #3 (on the previous page). Situational differences exist between programs.

Department of Agriculture, Weed and Pest Division
Yes
District Supervisor makes contact.

Office of the Attorney General, Division of Criminal Investigation
Yes
In person or via telephone, and preferably signing a statement approving entry.

Department of Audit, Excise Tax Division
Yes
We make an initial phone call and send them an engagement letter.

**Department of Audit, Mineral Audit Division**

Yes

Generally, the private landowner is informed by the meter calibration company, or the oil and gas production company. The Inspection Specialist relies on the meter calibration company, or the oil and gas production company to make the notifications. One private landowner did require notifications from all people entering his property. This landowner experienced some difficult land access issues in the past and asked the Department's Inspection Specialist to come by his office first to secure an access permit. Since that time and an improved understanding of why the Inspection Specialist was witnessing, this requirement has been waived. In general, most private landowners have been very favorable to the Audit Department's inspection program especially when the Inspection Specialist explains how his role in inspecting measurement facilities benefits both the State of Wyoming and the private (fee) well owners. The auditors start with written notification of the audit by engagement letter and remain in constant written and verbal communication throughout the audit process with the auditee. When access is necessary that is arrange by the auditor with the company to obtain access to leased lands.

**Department of Corrections**

Yes and No.

Notification prior to entry in regards to leased or contracted property is in accordance with the conditions set forth within the lease, contract and/or WDOC/facility operational guidelines. Certainly notification prior to entry would be given where required. In the course of supervising individual conditions of probation as ordered by the Court or individual conditions of parole as ordered by the Parole Board, the agent and/or accompanying law enforcement almost always knocks on the residence, announces their presence and only enters when the offender or other adult resident is present. When serving an arrest warrant when law enforcement suspects the person is present but not responding to the announced presence of the agent and law enforcement, or when pursuant to a valid search warrant, exigent circumstances may exist where entry will be made even without the presence of the resident/offender/landowner. But even in those circumstances, law enforcement and the agent would normally knock and announce prior to entry.

Again, normally entry onto private land for the purpose of supervising individual conditions of probation or parole is done by knocking and announcing the agent's presence. Exigent circumstances may, however, prevent notification prior to entry. In those instances, law enforcement is always present.

**Department of Employment, Division of Mine Inspections and Safety**

Yes

We report to the mine office or any individual working at the mine site. If the gate is locked, we do not enter.

### State Engineer's Office

#### Yes & No

In most cases, the landowner is not notified. If a landowner requests notification, SEO personnel will generally make an attempt to call or leave a voice mail message for the landowner.

During the course of their daily duties SEO personnel (water commissioners) will make numerous stops at water control facilities. It is not practical to inform all landowners prior to entry. Since the SEO has been regulating the state's water for 120 plus years, landowners generally acknowledge the need for SEO personnel to access their property without notice.

### Department of Environmental Quality, Abandoned Mine Division

#### Yes

Before entry onto private land an access agreement is expedited between AML and the landowner. The access agreement identifies what activities AML will take and for what time frame the access agreement will be in effect. Prior to actual reclamation the landowner must sign off on the final reclamation design.

### Department of Environmental Quality, Director General Response

#### Yes

Best available means. Generally phone call, but occasionally a letter.

### Department of Environmental Quality, Land Quality Division

#### Yes & No

The landowner is informed of inspections at their request or if it is a federal surface owner. All surface owners provide consent to inspections as part of the permitting process, but may not be informed of a specific inspection.

The landowner gives consent to the mine operation and the right for LQD to inspect as part of the permitting process. So, permission for entry is granted when the operation is permitted, but is not obtained for each individual inspection. If the landowner expressed interest in participating in inspections, LQD would include the surface owner in the inspection (as with BLM).

### Department of Environmental Quality, Solid and Hazardous Waste Division

#### Yes

For Complaint inspections, the landowner is notified via phone, email or personal contact prior to inspection personnel accessing a site. For permitted

### Department of Environmental Quality, Solid and Hazardous Waste Division

solid and hazardous waste facilities, permits grant inspectors right of entry notice prior to an inspection may or may not be given, and specific landowner approval isn't necessary. For regulated storage tank facilities, the Environmental Quality Act provides right of entry, upon request to the owner, for inspection, and seven days notice must be given to the owner. For storage tank cleanup sites, prior notice is given before cleanup work is started, and when drilling or construction activities will occur.

### Department of Environmental Quality, Water Quality Division

Yes

The permit holder or landowner is typically notified a day or two ahead of time of an inspection usually by telephone or email, and the inspector does not proceed without permission. If the permit holder is not the land owner as is typical in the case of oil and gas production facilities, the Division relies on the authority of the permit holder to access the land and Division staff accompany the permit holder

### Department of Family Services

Yes

The landowner is contacted and asked for permission to enter the private land.

### Department of Fire Prevention and Electrical Safety, Electrical Division

Yes

When a Wiring permit is issued.

### Department of Fire Prevention and Electrical Safety, Fire Prevention Division

Yes

Generally, though scheduled inspections with the responsible party for the building.

### Department of Fire Prevention and Electrical Safety, Training Division

Yes

If the landowner is present we will work with him or her to obtain verbal or written consent to conduct the investigation prior to doing so. If the owner is not present either the local fire department or local law enforcement agency will attempt to contact him or her regarding the incident. Every

### Department of Fire Prevention and Electrical Safety, Training Division

reasonable attempt is made to contact the owner prior to the investigation.

The only reason this might not be done, is if the owner simply proves unreachable through all prudent means. Even with this in mind, all parties involved will typically continue all attempts to contact the owner after the investigation has occurred.

### Game and Fish Department

Yes

Yes, depending on the circumstances. Landowner permission is obtained for all wildlife survey work on private lands. Landowners are routinely contacted personally by employees in the field. Occasionally landowners are contacted via written or telephonic communications. The department encourages law enforcement officers to gain entry to private lands through the development and maintenance of good working relationships with land owners. However, in the few instances where landowners may wish to prohibit Department law enforcement officers from entering open fields to check compliance with hunting and fishing laws and regulations, the Department still has responsibility to provide for protection and regulation of all Wyoming wildlife. In those instances, Department law enforcement officers may need to exercise their authority to enter open fields to check compliance with hunting and fishing laws and regulations.

### Department of Health, State Epidemiologist

Yes

Health officials would try to make direct contact with the owner/manager, preferably by phone, to discuss the situation, and also get information on the situation that may pose a risk.

### Department of Health, Office of Healthcare Licensing Facilities

Yes & No

If private householder.

If a health care facility is licensed in Wyoming and/or certified by the federal government - surveys are unannounced.

### Department of Health, Public Health Nursing Section, Division of Community & Public Health

Yes

In person, telephone, letter.

Department of Health, State Homes
N/A
Life Resource Center – N/A
Pioneer Home – N/A
Retirement Home – N/A
State Hospital – N/A
Veterans' Home – N/A

Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division
Yes
MLRC: Contacted via telephone or in person. Seldom do MLRC field inspectors enter private land unless access is an issue.

Office of State Lands and Investments, Real Estate Management Division
Yes
REM: As stated (earlier) above, every effort is made to notify private landowners prior to entry on private land by staff/representatives of the Division. Notification is done in a number of ways and can vary on a case by case basis. Notification could come in the form of a letter, a personal visit or a phone call. In many cases staff has developed relationships with private land owners adjacent to state lands and have received "No Response" permission to access the land. Additionally, it is common that the private land owners adjacent to state lands are the lessee of the state land and address for management and inspection purposes is understood.

Office of State Lands and Investments, Wyoming State Forestry Division
Yes & No
WSFD: Landowners may be informed by telephone, mail, or in-person. WSFD: In many cases the relationship between the landowner and the agency is familiar enough that for routine business notification is not made. Additionally, in many cases entry onto private or federal lands is at the request of the landowner.

Oil and Gas Conservation Commission
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No Response
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The landowner is contacted prior to accessing private land. Commission field inspectors will place a call via cell phone or land line to the appropriate landowner, contact person, or lessee, in advance in an attempt to inform them of the timing and reason for accessing their lands. In most cases the Commission field inspector will inform the oil and gas operator as well. Sometimes the oil and gas operator informs the land owner of the pending access. As the field inspectors are or become known to most landowners, landowners are sometimes personally contacted regarding Commission access at their place of employment, at the ranch, farm or their home, or in the field or on the site.
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No comment.
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Board of Outfitters and Professional Guides
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Yes
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Either through service of the search warrant prior to its execution or when permission is requested.
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Department of Revenue
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N/A
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Department of State Parks and Cultural Resources, Historic Sites and Trails
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Yes
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Usually e-mail or formal letter.
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Department of State Parks and Cultural Resources, Historic Preservation
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Yes
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It is the federal agencies' responsibility to notify the land owner if the project is a federal undertaking on private lands. If the project is state or private, the proponent or the state agency sponsoring the work will notify the private land owner. If the lands are leased by the Office of State Lands and Investments, the name of the lessee is located on the OSLI website and the lessee is notified prior to access. SHPO does not enter private or public lands without notifying the land managing agency or the private land owner. SHPO requests the agency and the landowner accompany them on any visit to the field if appropriate. SHPO will first try to contact the private property owner by phone and in 99.9% of the cases, this is usually at their request. For example, part of the Centennial Farm and ranch program is to photograph the ranch property for the private land owner. Staff makes contact with the property owner, schedule a time and date that is convenient for the property owner, and travel to the ranch to take the photo.
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<b>Department of State Parks and Cultural Resources, Historic Preservation</b>
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This activity does not occur unless we know the property owner will be present.
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<b>Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)</b>
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Yes
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As noted above in #3, the client informs the landowner. We will normally ask the client if landowner permission has been obtained for the proposed project. In the rare cases where it has not, we will contact the landowner directly by phone or in person.
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<b>Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)</b>
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Yes
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As noted above in #3, the client informs the landowner. We will normally ask the client if landowner permission has been obtained for the proposed project. In the rare cases where it has not, we will contact the landowner directly by phone or in person.
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<b>Department of Transportation</b>
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Yes & No
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Depending upon the nature of the entry, notification can be made in person, by telephone, by registered mail, or by other means. If the department knows that a particular landowner has a preference for a certain method, then it is used.
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Inspection or repair of right-of-way fences (which run near property lines) sometimes requires maintenance personnel to cross briefly onto private property on foot. As keeping these fences in good repair is critical, landowners are not always notified before hand. Some landowners have also indicated that they do not require notification before entry for purposes such as repair of snow fences (which may be located entirely on private property).
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<b>Water Development Commission</b>
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Yes
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Telephone or appointment.
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## Federal

### Department of Agriculture, Plant Health Inspection Service, Plant Protection Quarantine

Yes & No

Verbally in most cases, either in person or over the phone.

If specific landowner permission is not feasible to obtain (mostly in the case of grasshopper and Mormon cricket surveys) activities are conducted as close as possible to public road access. For example, when conducting grasshopper surveys, APHIS PPQ strives to make a density count every five miles along public road access. Since it is impossible to know land ownership at this level in a timely manner, the access to the rangeland is accomplished on foot by crossing through a fence (if it's not open range) and making about a 200 yard loop to determine the grasshopper density. In a typical year, APHIS PPQ conducts two grasshopper surveys covering about 70% of the state; one in early summer and the other from mid July through mid August. In a typical year APHIS PPQ makes between 2500 – 3500 survey stops during these two surveys. These surveys provide landowners and land managers critical data to make and/or plan for treatment decisions relative to grasshopper management. To require specific landowner permission on each survey stop would make it impossible to conduct these surveys in a timely and cost effective manner.

### Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

Yes

Contact by phone and arrange to meet owner to examine animals.

### Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

Yes

WS and the requesting landowner negotiate and enter into an agreement signed by both parties. The landowner is provided a copy of the signed agreement for his records. WS works very closely with the landowners and dialogues with them frequently to provide updates regarding activities.

### Department of Agriculture, United States Forest Service (Colorado Office)

Yes

Phone, personal contact.

Department of Agriculture, Natural Resource Conservation Service
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Yes
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<p>The process varies somewhat according to the specific services provided. For Conservation Planning and Implementation assistance, landowners or operators (including permittees) ask us verbally or complete a written request for assistance. Typically, such requests require us to make a field visit. Prior to visiting the property our field office or soil survey office employees contact the owners or operators by phone, or rarely email, to schedule a field visit. In some infrequent cases, we may need to do a field visit to check compliance with contracts, agreements, or easements. In such cases, we will try to set up a field visit by phone or email. If unsuccessful we will occasionally send a letter indicating the date and time that we will plan to be on the property. Verbal permission is secured from the landowner prior to accessing private land for the NRI. For BLM, BIA, USFS, and State of Wyoming lands, we are often requested by the agencies themselves or the permittee/lease to provide on-site assistance. Such requests are usually verbal. We do not seek permission from the land management agencies if we are only crossing public lands on established roads/trails to access other lands. For Soil Survey activities, we seek verbal permission from private land owners. Occasionally we will request permission by letter if we are unable to reach the landowner by phone or in person. Our Soil Survey activities on public lands are conducted under a formal written agreement with the land management agency. For Snow Survey activities, the NRCS has a written MOU with the public land management agencies granting access.</p>
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Department of Commerce (Denver Office)
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N/A
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N/A
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Department of Commerce, Census (Denver Office)
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Yes
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Via letter that we will be visiting and for what reason.
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Department of Energy, Federal Energy Regulation Commission (Portland Office)
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Yes
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Telephone call with follow-up email or letter.
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### Federal Emergency Management Agency

Yes

a. Yes. As indicated in the answer to question one. FEMA will access private lands for the purposes of performing assessments as authorized under the Public Assistance program only after obtaining a “right of access and hold harmless agreement”.

### Department of Homeland Security

Yes

However, authorized access to private land is the responsibility of the resource requesting agency, whether it is a firefighting agency, law enforcement agency or in rare cases a public health agency responding to an event and subsequently finding a need for additional resources available from the Wyoming Office of Homeland Security.

### Department of Interior, Bureau of Land Management, Branch of Solid Minerals

Yes

To reiterate the comment in #3, the permittee, licensee, or lessee must have permission from the private surface owner before they can enter and mine. An entryman on SRHA split estate must also comply with the provisions of 43 CFR 3814. The surface owner agreements include provisions for how activities will be conducted.

### Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals

Yes.

Before the conduct of onsite inspections (in order to review a proposed Federal drilling permit to develop leased Federal minerals), the BLM will attempt to contact the landowner by telephone. If telephone contact cannot be made, a letter will be sent. As previously mentioned, the BLM must obtain permission or easement to cross private lands not located over a Federal mineral estate.

### Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management

Yes

See Item 3 above.

<b>Department of Interior, Bureau of Land Management, Forestry</b>
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Yes.
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Phone, personal contact.
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<b>Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program</b>
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Yes
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For split-estate lands (non-Federal over Federal oil/gas minerals), the operator has already obtained access from the landowner via the surface access agreement. In addition, BLM may also notify the landowner (e-mail/phone) as a courtesy when performing oil/gas inspections.
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<b>Department of Interior, Bureau of Land Management, Preservation</b>
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Yes
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It is the responsibility of the project proponent to contact the landowner to inform them of the need for the cultural inventory. In addition, the archaeological consultant also contacts the private landowner to inform him/her when they expect to conduct the survey. It is assumed that this contact is made either by letter or telephone.
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<b>Department of Interior, Bureau of Land Management, Range Management</b>
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Y&N
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When crossing private lands owned/controlled by a grazing permittee to access the BLM lands, a courtesy call is usually given but largely depends upon the relationship between the BLM staff and the permittee. Some permittees like to be notified, others are indifferent. In other cases regarding non-permittees', the land-owner would be contacted beforehand for permission, either formally or informally depending upon the circumstance.
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When the BLM staff conducts a compliance inspection on a permittee's allotment, they are not required to notify the permittee in advance that they will be crossing their private/controlled lands in order to gain access to the BLM lands within the allotment. (The BLM staff should be making this clear when the operator acquires a BLM grazing permit to avoid potential issues.)
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Department of Interior, Bureau of Land Management, Realty
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Yes
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Normally a telephone call is placed requesting permission to cross the private lands and we state why we wish to cross their lands. There are times a letter is written requesting permission but most often permission is obtained with a telephone call.
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If a telephone call or letter written requesting access hasn't occurred it is because the landowner has previously stated they are okay with our crossing their property. This does happen frequently and it is our responsibility to ensure that we close gates when we pass through them. Ideally, there is some sort of documentation in the case file reflecting this permission.
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Department of Interior, Bureau of Land Management, Resource Management
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Yes
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Generally, the landowner is informed by phone or face-to-face meeting.
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Department of Interior, Bureau of Land Management, Visual Resources
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Yes
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Phone, e-mail, or both.
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Department of Interior, Bureau of Land Management, Wildlife Program
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Yes
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Generally, by phone or direct contact in advance of any requested permission to enter or cross private lands. In some cases contact is with representative agents of landowners when owners are corporations, organizations or multi person groups or are outside the state. Requests may be verbal or written based on type of access needed and time periods for which requests are made.
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Department of Interior, Bureau of Reclamation
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Yes
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In situations where an easement or right-of way for access does not exist, reclamation contacts the landowner directly or by telephone with follow up written correspondence to document the landowner notification.
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Department of Interior, National Park Service, Historic Preservation
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Yes
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<b>Department of Interior, National Park Service, Historic Preservation</b>
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The land owner is contacted by phone. Then a letter is sent with a form requesting a right of entry to the property for the reason given in the letter.
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<b>Department of Interior, United States Geologic Survey</b>
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Yes
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Land ownership associated with potential field study sites is determined early in the study planning process. Private land owners would be contacted in person, by phone, or mail and informed about the planned work and asked if permission to enter their land would be granted in writing. Depending on the needs of the landowner, daily contact can be maintained during field work.
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<b>Department of Justice, United States Attorneys' Office</b>
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N/A
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N/A
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<b>Department of Justice, Drug Enforcement Administration (Colorado Office)</b>
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No Response
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We do not enter onto private lands without the permission of the landowner, unless we have been given the authority by a respective federal or state judge and/or magistrate. If the landowner is the suspect of our investigation he/she would not necessarily be informed. In this instance, entry would be made in a manner consistent with the 4th Amendment.
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<b>Department of Labor, Mine Safety, and Health Administration (Denver Office)</b>
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No
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MSHA inspections are unannounced.
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MSHA conduits unannounced inspections.
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<b>Department of Labor, Occupational Safety and Health Administration</b>
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X
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The land owner is not contacted. We notify the employer at the opening conference, immediately before an inspection commences, the department shall notify employers in writing of their right to refuse entry to investigate health and safety conditions unless the department has a warrant issued by
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**Department of Labor, Occupational Safety and Health Administration**

a court of competent jurisdiction. Any person cannot give advance notice of any inspection without the consent of the department There has to be an employer-employee relationship for jurisdiction.

(Denver Office) – The owner of the property is contacted during the opening conference. The majority of the inspections are conducted on federal lands or GSA leased space.



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## Survey Question #6

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*Please provide a listing of other similar agencies that we may have missed that have authority to access private and public lands in Wyoming.*

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### State

Department of Agriculture, Consumer Health Services Division
No Response.

Department of Agriculture, Natural Resources and Policy Division
No Response.

Department of Agriculture, Technical Services Division
* Wyoming Livestock Board * Wyoming Dept. of Environmental Quality * United States Department of Agriculture -- Animal & Plant Health Inspection Service, Plan Protection and Quarantine (USDA_APHIS_PPQ), --Animal & Plan Health Inspection Service, Wildlife Services (USDA - APHIS-WS).

Department of Agriculture, Weed and Pest Division
State Lands and Investments

Office of the Attorney General, Division of Criminal Investigation
N/A

Department of Audit, Excise Tax Division
The Department of Revenue and the Department of Transportation would also have authority.

Department of Audit, Mineral Audit Division
As for other agencies which have access needs, here's a partial list:

**Department of Audit, Mineral Audit Division**

## State:

Wyoming Oil and Gas Conservation Commission  
Wyoming Department of State Lands  
Wyoming Game and Fish  
Wyoming Department of Environmental Quality  
Wyoming Department of Agriculture

## Federal:

The Bureau of Land Management  
Office of Natural Resources Revenue

**Department of Corrections**

None known, except perhaps Department of Family Services for their institutions and juvenile probation cases.

**Department of Employment, Division of Mine Inspections and Safety**

No Response

**State Engineer's Office**

DEQ, O & GCC

**Department of Environmental Quality, Abandoned Mine Division**

No Response.

**Department of Environmental Quality, Director General Response**

No Response

**Department of Environmental Quality, Land Quality Division**

Other DEQ divisions, which you have already covered. BLM, State Lands, state mining inspector

**Department of Environmental Quality, Solid and Hazardous Waste Division**

Wyoming Oil and Gas Conservation Commission; Wyoming State Engineer; U.S. EPA; U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; U.S. Chemical Safety Board (CSB) for heavy industrial sites; U.S. Bureau of Land Management (BLM); WYOSHA; local/state/federal emergency management coordinators and Hazardous Materials response members; local health department representatives.

**Department of Environmental Quality, Water Quality Division**

No Response

**Department of Family Services**

No Response.

**Department of Fire Prevention and Electrical Safety, Electrical Division**

No Response.

**Department of Fire Prevention and Electrical Safety, Fire Prevention Division**

No Response.

**Department of Fire Prevention and Electrical Safety, Training Division**

No Response.

**Game and Fish Department**

None

**Department of Health, State Epidemiologist**

No Response.

**Department of Health, Office of Healthcare Licensing Facilities**

No Response.

**Department of Health, Public Health Nursing Section, Division of Community & Public Health**

No Response.

**Department of Health, State Homes**

Life Resource Center – N/A  
Pioneer Home – N/A  
Retirement Home – N/A  
State Hospital – N/A  
Veterans' Home – N/A

**Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division**

MLRC: State Oil &amp; Gas Conservation Commission; BLM, Department of Audit.

**Office of State Lands and Investments, Real Estate Management Division**

REM: Wyoming Game &amp; Fish, DEQ, State Engineers Office, local Law Enforcement and Fire Personnel, Weed &amp; Pest Districts, Conservation Districts, etc.

**Office of State Lands and Investments, Wyoming State Forestry Division**

WSFD: Unknown.

**Oil and Gas Conservation Commission**

No Comment.

**Board of Outfitters and Professional Guides**

None known.

**Department of Revenue**

N/A

**Department of State Parks and Cultural Resources, Historic Sites and Trails**

No Response.

**Department of State Parks and Cultural Resources, Historic Preservation**

No Response.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)**

No Response.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)**

No Response.

**Department of Transportation**

No Response.

**Water Development Commission**

No Response

## Federal

Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

Wyoming County Weed and Pest Districts.

Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

No Response.

Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

APHIS, PPQ, PHI VET Services

Department of Agriculture, United States Forest Service (Colorado Office)

No Response.

Department of Agriculture, Natural Resource Conservation Service

Conservation Districts, Irrigation Districts

Department of Commerce (Denver Office)

N/A

Department of Commerce, United States Census (Denver Office)

Department of Agriculture - Conducts the Ag Census.

Department of Energy, Federal Energy Regulation Commission (Portland Office)

None that I am aware of.

Federal Emergency Management Agency

a. Department of the Army; U.S. Army Corp of Engineers

**Department of Homeland Security**

No Response

**Department of Interior, Bureau of Land Management, Branch of Solid Minerals**

U.S. Office of Surface Mining Reclamation and Enforcement  
U.S. Forest Service  
U.S. Bureau of Reclamation  
U.S. Fish and Wildlife Service  
Wyoming State Department of Environmental Quality, Land Quality Division

**Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals**

No Response.

**Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management**

No Response.

**Department of Interior, Bureau of Land Management, Forestry**

No Response.

**Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program**

No Response.

**Department of Interior, Bureau of Land Management, Preservation**

No Response.

**Department of Interior, Bureau of Land Management, Range Management**

United State Forest Service.

**Department of Interior, Bureau of Land Management, Realty**

Not sure of what agencies you have included in your listing. Almost any land management agency such as Forest Service, Park Service, Corp of Engineers, As well as any other federal agency that has lands to access such as Military, Department of Defense. This does not include local governments that are not federal.

**Department of Interior, Bureau of Land Management, Resource Management**

No Response.

**Department of Interior, Bureau of Land Management, Visual Resources**

No Response.

**Department of Interior, Bureau of Land Management, Wildlife Program**

No Response.

**Department of Interior, Bureau of Reclamation**

No Response.

**Department of Interior, National Park Service, Historic Preservation**

All Department of Interior Agencies, i.e.; Bureau of Land Management, Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation, Office of Surface Mining, Reclamation and Enforcement, Geological Survey, or the Forest Service, Natural Resources Conservation Service, Homeland Security and other agencies connected with the defense and security of the United States.

**Department of Interior, United States Geologic Survey**

BLM, USFWS, BOR, BIA, USFS, and WYG&F. The University of Utah also operates seismic stations in Wyoming.

**Department of Justice, United States Attorneys' Office**

N/A

Department of Justice, Drug Enforcement Administration (Colorado Office)

No Response

Department of Labor, Mine Safety, and Health Administration (Denver Office)

No Response.

Department of Labor, Occupational Safety and Health Administration

No Response.

(Denver Office) – Unaware of any other agencies.



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## Survey Question #7

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### *General Comments*

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### State

Department of Agriculture, Consumer Health Services Division

No Response.

Department of Agriculture, Natural Resources and Policy Division

No Response.

Department of Agriculture, Technical Services Division

For clarification, please feel free to contact me with any questions.

Department of Agriculture, Weed and Pest Division

No Response.

Office of the Attorney General, Division of Criminal Investigation

N/A

Department of Audit, Excise Tax Division

No Response.

Department of Audit, Mineral Audit Division

No Response.

Department of Corrections

No Response.

**Department of Employment, Division of Mine Inspections and Safety**

No Response

**State Engineer's Office**

No Response.

**Department of Environmental Quality, Abandoned Mine Division**

AML activities reclaim properties that have been impacted through historical mining activities. The result of the reclamation is the mitigation of those impacts. AML works closely with all landowners - whether private, state or federal - to ensure that the reclamation activities are acceptable to the landowner.

**Department of Environmental Quality, Director General Response**

As you get farther along with your study, you may want to meet with me and my staff. I have asked each administrator to also answer your requests.

**Department of Environmental Quality, Land Quality Division**

None.

**Department of Environmental Quality, Solid and Hazardous Waste Division**

An estimated 95% of Facilities voluntarily allow access for SHWD regulatory activities and impose few, if any restriction. 5% or fewer facilities impose restrictions on taking photographs or full access to process areas for safety or business confidentially reasons. Access restrictions can usually be resolved with site representatives checking with corporate office for authorization. The rarer 1-3% refusing access is usually small businesses with little knowledge of environmental regulations, indicating concerns with cost of compliance and/or potential penalties for non-compliance. Depending on the inspector, in many cases, access to these type sites is gained after discussion with site representatives may provide assurances the main objective of the SHWD is compliance and environmental protection vs. punitive measures.

**Department of Environmental Quality, Water Quality Division**

No Response.

**Department of Family Services**

No Response.

**Department of Fire Prevention and Electrical Safety, Electrical Division**

No Response.

**Department of Fire Prevention and Electrical Safety, Fire Prevention Division**

No Response.

**Department of Fire Prevention and Electrical Safety, Training Division**

No Response

**Game and Fish Department**

The September 8, 1999 Formal Attorney General Opinion No 99-006 given by Gay Woodhouse, Attorney General, States in part: "Game and Fish law enforcement officers may enter open fields without a search warrant, or without landowner permission, or without probable cause to check compliance with hunting and fishing laws and regulations." The Attorney General's opinion reaffirmed that Game and Fish law enforcement officers may enter "open fields" if they believe that hunting and fishing activities may be taking place. The term "reaffirmed" is used since similar Attorney General opinions were rendered on this same subject in 1933 and 1952. The opinion is based on a substantial body of case law, applicable to all law enforcement officers, called the "Open Fields Doctrine" which was first articulated in 1924 by US. Supreme Court Justice Holmes to mean, "the special protection accorded by the Fourth Amendment to the people in their 'persons, houses, papers, and effects,' is not extended to the open fields. The distinction between the latter and houses is as old as the common law." The "Open Fields Doctrine" has been developed with the express purpose of balancing the rights of property owners vs. the need to ensure compliance with the laws of society.

**Department of Health, State Epidemiologist**

No Response.

**Department of Health, Office of Healthcare Licensing Facilities**

No Response.

**Department of Health, Public Health Nursing Section, Division of Community & Public Health**

No Response.

**Department of Health, State Homes**

Life Resource Center - N/A  
Pioneer Home - N/A  
Retirement Home - N/A  
State Hospital - N/A  
Veterans' Home - N/A

**Office of State Lands and Investments, Mineral Leasing and Royalty Compliance Division**

MLRC: None.

**Office of State Lands and Investments, Real Estate Management Division**

REM: None.

**Office of State Lands and Investments, Wyoming State Forestry Division**

WSFD: None.

**Oil and Gas Conservation Commission**

No Comment.

**Board of Outfitters and Professional Guides**A copy of the MOU under which we operate with other federal and state agencies is available on our website <http://outfitters.state.wy.us>.**Department of Revenue**

N/A

**Department of State Parks and Cultural Resources, Historic Sites and Trails**

No Response.

**Department of State Parks and Cultural Resources, Historic Preservation**

No Response.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (General Fund)**

No Response.

**Department of State Parks and Cultural Resources, Office of the Wyoming State Archaeologist (Survey)**

No Response.

**Department of Transportation**

The Wyoming Department of Transportation is committed to working with public and private partners to provide a safe, high quality , and efficient transportation system. Working diligently to provide advance notice of land entry whenever appropriate is important to achieving this outcome and to retaining the good will of Wyoming's citizens for department operations.

**Water Development Commission**

No Response

## Federal

### Department of Agriculture, Animal & Plant Health Inspection Service, Plant Protection Quarantine

APHIS PPQ is very active with all levels of County, State and Federal agencies throughout Wyoming, relative to their normal field activities. Because of outreach and public meetings, most of the state private landowners are also aware of our activities, even though they may not be aware that it is APHIS PPQ specifically conducting these activities. Over the years, APHIS PPQ has had very little conflict with private landowners for being on the fringes of their private property. In these few cases, APHIS PPQ employees are instructed to provide the State Office contact information, apologize and leave the private property.

### Department of Agriculture, Animal & Plant Health Inspection Service, Veterinary Services

We usually enter public land with the State Game and Fish Department or when livestock are grazing on public land.

### Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services

No Response.

### Department of Agriculture, Natural Resource Conservation Service

The NRCS conducts the above described activities through 29 Field and Soil Survey Offices located across Wyoming. Most offices are co-located with local Conservation Districts.

### Department of Agriculture, United States Forest Service (Colorado Office)

No Response.

### Department of Commerce (Denver Office)

N/A

### Department of Commerce, United States Census (Denver Office)

No Response.

**Department of Energy, Federal Energy Regulation Commission (Portland Office)**

No Response

**Federal Emergency Management Agency**

No Response.

**Department of Homeland Security**

None

**Department of Interior, Bureau of Land Management, Branch of Solid Minerals**

Most solid minerals access issues involve split estate lands where patents did not grant mineral rights to the surface owner, and the patent language allows minerals to be developed; or access over private lands to reach isolated Federal lands. The surface owner may be unaware or uncertain about what rights he or she does or does not have. There is a large body of case law, relating to different laws and regulations, and the answer may be complicated.

**Department of Interior, Bureau of Land Management, Branch of Fluid Minerals, Lands and Appraisals**

No Response

**Department of Interior, Bureau of Land Management, Division of Resources, Policy and Management**

No Response.

**Department of Interior, Bureau of Land Management, Forestry**

No Response.

**Department of Interior, Bureau of Land Management, Oil and Gas Inspection, Enforcement Program**

No Response.

**Department of Interior, Bureau of Land Management, Preservation**

No Response.

**Department of Interior, Bureau of Land Management, Range Management**

No Response.

**Department of Interior, Bureau of Land Management, Realty**

No Response.

**Department of Interior, Bureau of Land Management, Resource Management**

No Response.

**Department of Interior, Bureau of Land Management, Visual Resources**

No Response.

**Department of Interior, Bureau of Land Management, Wildlife Program**

The Bureau of Land Management is responsible for management of large amounts of federal land and federal mineral estate in Wyoming and manages many different types of resources and activities. Those various resources and activities may require or have authority for private and state lands access for multiple reasons and in many other cases access or entry must be granted by owners. This response was prepared primarily for wildlife related activities and should not be applied to all BLM activities

**Department of Interior, Bureau of Reclamation**

No Response.

**Department of Interior, National Park Service, Historic Preservation**

No Response.

**Department of Interior, United States Geologic Survey**

We would like to thank the thousands of landowners in Wyoming that have allowed the USGS staff access to their lands to collect data. These data provide information that allows impartial scientific monitoring of natural resources within Wyoming. Standard forms used by the USGS, to obtain landowner consent for access, are available on request.

Department of Justice, United States Attorneys' Office

N/A

Department of Justice, Drug Enforcement Administration, Colorado Office

No Response

Department of Labor, Mine Safety, and Health Administration, Denver Office

No Response.

Department of Labor, Occupational Safety and Health Administration

No Response.

(Denver Office) – No Response

