

WYOMING OFFICE OF STATE LANDS AND INVESTMENTS

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POLICY

Effective Date
March 1, 2014

Structural Encroachment on State Trust Land

Often encroachments are unintentionally placed on State Trust Lands, largely due to the lack of due diligence on the part of an adjacent property owner. In a few cases, the encroachment is intentional in nature and done with the aim of using State Trust Land without proper compensation to the State's Trust Beneficiaries. Whatever the intention, these encroachments will not be tolerated without full compensation to the State's Trust Beneficiaries.

In the event the Office of State Lands and Investments (OSLI) identifies a situation in which a structure has been built on State Trust Lands, either knowingly or unwittingly, it shall employ the following process:

Step One - An encroachment is discovered and documented.

- Pictures and documentation are collected
- Notification is made to the responsible party

Step Two - A Temporary Use Permit Application shall be filed with OSLI by the responsible party.

- Using the authority granted in Wyoming Board of Land Commissioners' Rules and Regulations (Board's Rules);
 - OSLI shall assign a fee of double the market rate* for a one (1) year permit; and
 - A one-time Surface Impact Payment shall be paid to the surface lessee, if any.
- In the event a Temporary Use Permit Application is not received within thirty (30) days of notification, OSLI shall begin the process of notifying proper authorities, pursuing and possibly fining the responsible party(s) for Trespass under the provisions of W.S. §6-3-303, W.S. §36-9-116 and W.S. §36-2-107, and taking all other necessary and proper action to remedy the trespass under those laws.

* In cases where the encroachment can be reasonably shown to have existed for longer than five years the Temporary Use Permit fee will remain at market rate and the fee of double the market rate shall not apply.

Step Three - Determination of future process

- An analysis shall be completed to determine if the encroachment should be removed, made subject to a longer term Special Use Lease, or whether the parcel in which the encroachment has been placed, should be sold or exchanged. The analysis shall include:
 - The boundaries and configuration of the lease or sale area will be determined and defined by the Wyoming Board of Land Commissioners (Board) to best meet its Trust Land Management Objectives.
 - A comparison of the benefit to the State's Trust Beneficiaries shall be completed to assist the Board to determine which final disposition (removal, lease, sale, exchange) best meets its Trust Land Management Objectives.
- Once a determination is made by the Board regarding final disposition, the appropriate process outlined in the Board's Rules shall be followed, including appropriate public comment processes.
- In the event the Board determines that a sale is most advantageous for the State's Trust Beneficiaries, the sale shall be accomplished at public auction pursuant to the Board's Rules.
- If the Board determines that the property should be placed under a Special Use Lease, appropriate back rental shall be collected from the date of initial encroachment to present.

Authority/Justification

W.S. 6-3-303, W.S. 36-9-16, W.S. 36-2-107

Wyoming Board of Land Commissioners' Rules and Regulations

Chapter 14

Chapter 5

Chapter 26

Wyoming Board of Land Commissioners' Action

Board Matter C-3, August 4, 2011

<u>Effective Date:</u> March 1, 2014	<u>Revision/Review Date:</u> March 1, 2019
<u>Summary of Revision/Review:</u> To Be Completed In 2019	<u>Supersedes Existing Policy:</u> Any policy and/or documentation prior to March 1, 2014