

WORC

Western Organization of Resource Councils

Support Representative Heinrich's Surface Owner Protection Amendment

Over 57 million acres...

Much federally-owned oil, gas and coal bed methane in the West lies beneath private land:

Arizona	3.0 million acres	North Dakota	4.5 million acres
California	2.5 million acres	Oklahoma	0.5 million acres
Colorado	5.2 million acres	Oregon	1.5 million acres
Idaho	3.4 million acres	South Dakota	1.6 million acres
Kansas	0.1 million acres	Utah	1.2 million acres
Montana	11.7 million acres	Washington	0.3 million acres
Nevada	0.3 million acres	Wyoming	11.6 million acres
New Mexico	9.5 million acres		

Governed by a law written in 1916...

Under current law – the Stock Raising Homestead Act of 1916 – landowners have very little ability to ensure responsible development on their land. An operator who leases federal oil and gas resources is simply required to either: (1) obtain the written consent or waiver of the surface owner, (2) agree to pay for damages to crops or other tangible improvements, or (3) post a bond to cover the damages to crops and improvements, which can be as low as \$1,000.

With few protections for private landowners...

Landowners often sign agreements with federal oil and gas lessees because it is their only avenue to influence decisions that impact their property. Current agreements often do not adequately address impacts and fully compensate surface owners for damages, however, because the damage compensation requirements are so limited and the “bond on” option puts landowners in a weak negotiating position. Thus, whether they negotiate surface use agreements or are “bonded on”, split estate landowners face serious damages to their property and way of life under current law.

Protect surface owners – Support Representative Heinrich's amendment

Representative Heinrich's amendment will make critical updates to current law, empowering farmers, ranchers and other landowners to have a greater say in the course of development on their land and ensure compensation for damages, but would not impede development. The amendment would:

Ensure compensation for damages to private lands over federal minerals, updating the law to reflect the impacts of modern oil and gas development, requiring compensation for damages on affected land from lost agricultural

production and income, lost land value, lost use of and access to the land, and lost value of improvements.

Notify landowners before leasing

Representative Heinrich's amendment would require BLM to notify surface owners at least 30 days before leasing the federal oil and gas beneath their land, and at least five days before issuing a drilling permit, giving landowners the opportunity to inform BLM of conservation easements, wildlife habitat or other unique conditions, or even to bid so they can develop the minerals themselves.

For more information, contact Sara Kendall at sara@worc.org or 202-547-7040.