



Certification Page Regular and Emergency Rules

Revised June 2020

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information			
a. Agency/Board Name* Office of State Lands and Investments/Board of Land Commissioners			
b. Agency/Board Address 122 West 25th Street, Herschler Building, Suite W103	c. City Cheyenne	d. Zip Code 82002	
e. Name of Agency Liaison Jason Crowder	f. Agency Liaison Telephone Number 307-777-3428		
g. Agency Liaison Email Address jason.crowder@wyo.gov	h. Adoption Date 8-5-2021		
i. Program Board of Land Commissioners			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment			
For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
3. Rule Type and Information			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 26	Chapter Name: Land Acquisition and Disposal	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

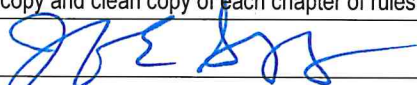
5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Jenifer E. Scoggin
Signatory Title	Director, Office of State Lands and Investments
Date of Signature	8-9-2021

7. Governor's Certification

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

STATEMENT OF PRINCIPAL REASONS FOR ADOPTION OF RULES

It is necessary to adopt amendments to Chapter 26 of the Board of Land Commissioners' Rules and Regulations as regular rules to facilitate a Voluntary Land Exchange program to promote land exchanges that enhance legal access to state trust lands. Lands owned by the State of Wyoming and under the jurisdiction of the Board of Land Commissioners managed as trust lands are often located away from legal or public access easements, and can be completely surrounded by one private property owner, limiting its ability to be accessed for revenue generating or recreational purposes. A Voluntary Land Exchange program will allow private landowners who wish to exchange lands that do have legal access for state trust lands that do not have legal access and are completely within the ownership of their private land by providing an expedited and less costly process. The Voluntary Land Exchange Program is strictly voluntary on behalf of the applicant and the Board of Land Commissioners. Should at any point in the transaction analysis process it be determined by either the applicant or the Board that the full exchange process as described in Chapter 26 be required to appropriately facilitate the exchange, then the transaction will no longer be processed through the Voluntary Land Exchange program and will analyzed pursuant to existing procedures within Chapter 26 to maintain adherence with the Board approved Trust Land Management Objectives.



WYOMING STOCK GROWERS ASSOCIATION

Guardian of Wyoming's Cow Country since 1872

President- David Kane, *Sheridan*
Region I Vice President- Kahla Mills, *Gillette*
Region III Vice President- Leif Hanson, *Kaycee*
Region V Vice President- Darla Griffin, *Riverton*
Young Producers Assembly- Sage Askin, *Guernsey*

First Vice President- Jack Berger, *Saratoga*
Region II Vice President- Dan Frank, *LaGrange*
Region IV Vice President- Brad Mead, *Jackson*
Executive Vice President- Jim Magagna, *Cheyenne*

July 26, 2021

Office of State Lands and Investments
Herschler Building
Cheyenne, WY 82002

RE: Chapter 26, Land Acquisition and Disposal--Proposed Amendments

Dear OSLI:

The Wyoming Stock Growers Association appreciates this opportunity to submit formal comments on your proposed amendments to Chapter 26 rules. WSGA supports these proposed amendments, in particular the establishment of the Voluntary Land Exchange Program. We offer the following comments.

Section 3

As we understand subsection (i), this would authorize the Office to terminate an acquisition based on any of several factors. WSGA finds this appropriate provided that this action is taken prior to Board approval of the acquisition under subsection (h). If that is the intent of this amendment, we would suggest that it more appropriately be placed ahead of subsection (h). However, if the intent is to allow termination of an acquisition after it has received Board approval, WSGA maintains that the authority for such termination should rest with the Board.

Section 6

The definition of "Encompassed" states that the parcel need be "entirely within the real property boundaries of the nominator. Does this allow for a situation where two or more landowners collectively surround a parcel and have reached mutual agreement to nominate the parcel?

WSGA appreciates your consideration of our comments. Please contact us should you have questions or wish to discuss these further.

Sincerely,

Executive Vice President

"Shaping and Living The Code of The West"

P.O. BOX 206, CHEYENNE, WY 82003 • PH: 307.638.3942 • FX: 307.634.1210

EMAIL: INFO@WYSGA.ORG • WEBSITE: WWW.WYSGA.ORG • BLOG: WWW.REALRANCHERS.COM

Recommendation of Changes after Comment Period

Draft

Chapter 26 – Land Acquisition and Disposal

Comment:

Section 3

As we understand subsection (i), this would authorize the Office to terminate an acquisition based on any of several factors. WSGA finds this appropriate provided that this action is taken prior to Board approval of the acquisition under subsection (h). If that is the intent of this amendment, we would suggest that it more appropriately be placed ahead of subsection (h). However, if the intent is to allow termination of an acquisition after it has received Board approval, WSGA maintains that the authority for such termination should rest with the Board.

Recommendation:

The intent of the addition of this subsection is to allow the Office of State Lands and Investments (OSLI) to terminate the option to purchase and cease the acquisition process if it finds that acquisition of the parcel is not in the best interest of the State's trust beneficiaries, or if a provision of the option agreement is violated or cannot be complied with prior to final Board consideration of the transaction. OSLI has made the change to move this subsection and renumber it as Section 3(h), and has renumbered the rest of the subsections accordingly. Additionally, Section 4(g) has been renumbered as Section 4(f) and the rest of the subsections have been renumbered accordingly.

Comment:

Section 6

The definition of "Encompassed" states that the parcel need be "entirely within the real property boundaries of the nominator. Does this allow for a situation where two or more landowners collectively surround a parcel and have reached mutual agreement to nominate the parcel?"

Recommendation:

The definition of "Encompassed" does not provide for two (2) or more landowners who collectively surround a parcel, and have reached a mutual agreement to nominate the parcel for exchange. The intent of the Voluntary Land Exchange Program is to identify those parcels of state trust land that lack the ability to receive multiple bids from multiple adjoining landowners to be eligible for an expedited land exchange program. OSLI does not recommend any changes.

Chapter 26

Land Acquisition and Disposal

Section 1. Authority. This chapter is adopted pursuant to Wyoming Statute 36-2-107.

Section 2. Definitions.

- (a) As used in this chapter:
 - (i) “Board” means the Board of Land Commissioners.
 - (ii) “Director” means the director of the Office of State Lands and Investments.
 - (iii) “Office” means the Office of State Lands and Investments.
 - (iv) “Parcel” means a tract of real property, or an interest in real property constituting less than fee simple title.
 - (v) “Responsible bidder” means a bidder at public auction who tenders, at the auction, funds in accordance with Subsection 7(b) of this chapter.
 - (vi) “Surface lessee” means a holder of a grazing and agricultural lease, special use lease, or wind energy lease issued in accordance with Chapters 4, 5, or 6 of the Board’s rules.

Section 3. Acquisition Procedure.

- (a) Any person, including the Director, may identify a parcel for the Board to acquire as state trust land. Parcels identified for possible acquisition shall be placed on the Category I Acquisition List by the Office.
- (b) The Office shall review all parcels appearing on the Category I Acquisition List for suitability for acquisition. If the Director determines that a parcel may be suitable for acquisition, the Director shall move the parcel onto the Category II Acquisition List. Any parcel that the Director has not moved onto the Category II Acquisition List within one year, shall be removed from the Category I Acquisition List.
- (c) The Category I and Category II Acquisition Lists shall be held in confidence by the Office and the Board.
- (d) The Office shall review all parcels appearing on the Category II Acquisition List and prepare a detailed analysis of each parcel. The analysis shall include:
 - (i) An estimate of the market value of the parcel, individually and in combination with other state trust lands;
 - (ii) The income-generating potential of the parcel, individually and in combination with other state trust lands; and
 - (iii) The manageability of the parcel, individually and in combination with other state trust lands.
- (e) When review of a parcel on the Category II Acquisition List is complete, the Office may present the detailed analysis to the Board in executive session in accordance with W.S. 16-4-405(a)(vii). If the Board rejects acquisition of the parcel, the Office shall remove the parcel from the Acquisition List. If the Board determines that the parcel may be desirable for acquisition, it may authorize the Office to continue the acquisition process.
- (f) When the Board authorizes the Office to continue the acquisition process for a parcel, the Office shall acquire an option to purchase from the owner of the parcel.
- (g) After acquiring the option to purchase, the Office shall:

- (i) Obtain an appraisal of the market value of the parcel;
- (ii) Notify the Wyoming Department of State Parks and Cultural Resources and the Wyoming Game & Fish Department of the proposed acquisition.
- (iii) Make available to the public:
 - (A) The detailed analysis prepared by the Office;
 - (B) The appraisal;
 - (C) The existence and importance of any wildlife habitat and wildlife-oriented recreational opportunities located on the parcel, as determined by the Wyoming Game & Fish Department; and
 - (D) The existence and importance of any public recreation opportunities or cultural resources located on the parcel, as determined by the Wyoming Department of State Parks & Cultural Resources.
- (iv) Accept public comment concerning the proposed acquisition; and
- (v) Hold a public hearing in the county in which the parcel is located. Notice of the hearing shall be sent to the appropriate board of county commissioners.

(h) If at any time the Office finds that acquisition of the parcel is not in the best interest of the state's trust beneficiaries, or if a provision of the option to purchase is violated or cannot be complied with on the part of any party, the Office may elect to terminate the option to purchase and cease the acquisition process. If the Office ceases the acquisition process, it shall immediately remove the parcel from the Category II Acquisition List. The Office shall provide an informational Board Matter for the Board's next regularly scheduled public meeting informing the Board that the acquisition process has ceased.

(i) Not less than sixty (60) days after the information listed in subsection (g)(iii) is made available to the public, the Board shall consider in open session the proposed acquisition of the parcel. If the Board rejects acquisition of the parcel, the Office shall remove the parcel from the Acquisition List. If the Board determines that the parcel should be acquired, it shall direct the Office to exercise the option to purchase.

Section 4. Disposal Procedure.

(a) Any person, including the Director, may identify a state trust parcel for disposal by the Board. Parcels identified for possible disposal shall be placed on the Category I Disposal List by the Office.

(b) The Office shall review all parcels appearing on the Category I Disposal List for suitability for disposal. If the Director determines that a parcel may be suitable for disposal, the Director shall move the parcel onto the Category II Disposal List. Any parcel that has not been moved onto the Category II Disposal List within one year, shall be removed from the Category I Disposal List.

(c) The Office shall make the Category I and Category II Disposal Lists available to the public.

(d) For each parcel on the Category II Disposal List, the Office shall:

- (i) Notify any surface lessees of the parcel, the Wyoming Department of State Parks and Cultural Resources, and the Wyoming Game & Fish Department of the proposed disposal; and
- (ii) Prepare a detailed analysis of the parcel, including:
 - (A) An appraisal of the market value of the parcel;
 - (B) The income-generating potential of the parcel, individually and in combination with other state trust lands;

(C) The manageability of the parcel, individually and in combination with other state trust lands;

(D) The existence and importance of any wildlife habitat and wildlife-oriented recreational opportunities located on the parcel, as determined by the Wyoming Game & Fish Department; and

(E) The existence and importance of any public recreational opportunities or cultural resources located on the parcel, as determined by the Wyoming Department of State Parks and Cultural Resources;

(e) When the detailed analysis is complete, the Office shall:

(i) Make the detailed analysis available to the public;

(ii) Solicit and receive public comment on the proposed disposal; and

(iii) Hold a public hearing in the county in which the parcel is located. Notice of the hearing shall be sent to the appropriate board of county commissioners.

(f) If at any time the Office finds that disposal of the parcel is not in the best interest of the state's trust beneficiaries, the Office may cease the disposal process. If the Office ceases the disposal process, it shall immediately remove the parcel from the Category II Disposal List.

(g) After the public hearing has been held, the Office shall present the detailed analysis to the Board. If the Board rejects disposal of the parcel, the Office shall remove the parcel from the Disposal List. If the Board determines that the parcel should be disposed of, it shall:

(i) Direct the Office to exchange the parcel for a parcel authorized for acquisition;

or

(ii) Establish the minimum bid and direct the Office to sell the parcel at public auction.

Section 5. Exchanges.

Any person, including the Director, may propose a land exchange by placing the parcels to be acquired by the Board in the exchange on the acquisition list in accordance with Section 3 of this chapter, and placing the parcels to be conveyed by the Board in the exchange on the disposal list in accordance with Section 4 of this chapter. If the Board approves both the acquisition, pursuant to the procedure in Section 3, and the disposal, pursuant to the procedure in Section 4, of the parcels comprising the exchange proposal, the Office shall complete the exchange.

Section 6. Voluntary Land Exchange Program.

(a) Definitions. As used in this Section:

(i) "Access" is the means of approaching and entering a parcel via a public right-of-way or other legal easement.

(ii) "Encompassed" means a parcel that is entirely within the real property boundaries of the nominating party.

(iii) "Voluntary" means the willful submission of a nomination by a party who may encompass a parcel.

(iv) "Price Opinion" means the value of a parcel as determined by the Office.

(v) "Isolated Parcel" means a parcel of state trust land comprised of 640 acres or less, without Access.

(b) Only Isolated Parcels that are entirely Encompassed by real property owned by the nominating party, shall qualify for the Voluntary Land Exchange (VLE) program.

(c) The purpose of the VLE program is to provide an opportunity for the Board through the Office to reposition state trust land ownership from isolated parcels to parcels with Access in an expedited and efficient manner.

(d) All transactions proposed within the VLE program shall follow the process outlined within Section 5 of this Chapter except that the transaction shall include the following requirements:

(i) Once an exchange has received preliminary approval from the Board, the nominating party will be issued a non-negotiable Price Opinion developed by the Office;

(ii) By accepting the PO, the nominating party agrees to waive the formal appraisal process and facilitate the exchange at the values established by the Office;

(iii) Should the nominating party fail to accept the Price Opinion, they may elect to:

(A) Terminate the transaction, or

(B) Secure an appraiser certified under the Uniform Standards of Professional Appraisal Practice (USPAP) and qualified to conduct an appraisal of the parcels to determine the parcel's value. Such appraiser shall be approved and provided with appraisal instructions by the Office. The final appraisal report supplied by the appraiser shall be reviewed by the Office pursuant to USPAP guidelines.

(iv) Once the detailed analysis is published, the Office will solicit public comment for thirty (30) calendar days.

(v) The Office shall conduct a public hearing in the county in which the land is located only if a hearing is requested by the appropriate board of county commissioners.

Section 7. Public Auctions.

(a) All costs incurred by the Office in advertising the auction shall be reimbursed by the purchaser.

(b) The successful bidder will tender a minimum of twenty-five percent (25%) of the total purchase price for the land plus costs associated with the sale, in the form of a cashier's check, certified check, or personal check with a letter of credit. If the highest bid is not from a responsible bidder, the auctioneer shall accept the next highest bid as the high bid.

(c) On the day of the auction, the successful responsible bidder will pay the balance of the purchase price, or execute a sales contract under the provisions of paragraph (d)(ii) of this section.

(d) Payment Options

(i) Purchasers desiring to pay the purchase price in full at the auction shall provide the auctioneer the necessary information to complete a patent or deed.

(ii) Purchasers desiring to finance up to seventy-five percent (75%) of the purchase price through a sales contract shall provide the auctioneer the necessary information to complete the contract. After a receipt for the purchase of improvements as required by W.S. 36-9-105 has been delivered to the Office, the contract shall be forwarded to the purchaser. The Office shall record the executed contract in the Register of Deeds, in the county clerk's office of the appropriate county.

Section 8. Instruments of Conveyance.

(a) To complete an exchange, or upon full payment under a sales contract, or in the case of a cash purchase upon delivery to the Office of a receipt for the purchase of improvements as required by W.S. 36-9-105, the Office shall prepare and record in the Register of Deeds, in the county clerk's office of the appropriate county, one of the following instruments of conveyance:

(i) A patent, if the land has been in state ownership since statehood.

(ii) A warranty deed, if the land has been acquired by the state via a warranty deed.

(iii) A quit claim deed, if the land has been acquired by the state without a warranty.

(b) No patent or deed shall be issued for any portion of the land subject to a sales contract until full payment has been received for all the land under the contract. All recording fees will be paid by the grantee.

(c) For Board acquisitions, the grantor of any privately-owned parcel being granted to the Board shall purchase a policy of title insurance naming the Board as the insured party.

Section 9. Assignments of Sales Contracts.

(a) The original purchaser of state trust land under a sales contract shall remain obligated to the Board for performance under the contract until the Board approves an assignment of the purchaser's rights under the contract.

(b) Upon receipt of written notice of the name, address, and tax identification number of an assignee of the purchaser's contract rights, the Office shall note this information for purposes of mailing payment notices and reporting interest paid on the contract to the United States Internal Revenue Service.

RULES AND REGULATIONS BOARD OF LAND COMMISSIONERS

Chapter 26

Land Acquisition and Disposal

Section 1. Authority. This chapter is adopted pursuant to Wyoming Statute 36-2-107.

Section 2. Definitions.

- (a) As used in this chapter:
- (i) “Board” means the Board of Land Commissioners.
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 - (iii) “Office” means the Office of State Lands and Investments.
 - (iv) “Parcel” means a tract of real property, or an interest in real property constituting less than fee simple title.
 - (v) “Responsible bidder” means a bidder at public auction who tenders, at the auction, funds in accordance with Subsection 7(b) of this chapter.
 - (vi) “Surface lessee” means a holder of a grazing and agricultural lease, ~~or special use lease, or wind energy lease~~ issued in accordance with Chapters ~~4, 5, or 6~~ of the Board’s rules.

Section 3. Acquisition Procedure.

- (a) Any person, including the Director, may identify a parcel for the Board to acquire as state trust land. Parcels identified for possible acquisition shall be placed on the Category I Acquisition List by the Office.
- (b) The Office shall review all parcels appearing on the Category I Acquisition List for suitability for acquisition. If the Director determines that a parcel may be suitable for acquisition, the Director shall move the parcel onto the Category II Acquisition List. Any parcel that the Director has not moved onto the Category II Acquisition List within one year, shall be removed from the Category I Acquisition List.
- (c) The Category I and Category II Acquisition Lists shall be held in confidence by the Office and the Board.
- (d) The Office shall review all parcels appearing on the Category II Acquisition List and prepare a detailed analysis of each parcel. The analysis shall include:
- (i) An estimate of the market value of the parcel, individually and in combination with other state trust lands;
 - (ii) The income-generating potential of the parcel, individually and in combination with other state trust lands; and
 - (iii) The manageability of the parcel, individually and in combination with other state trust lands.
- (e) When ~~the~~ review of a parcel on the Category II Acquisition List is complete, the Office ~~shall~~ may present the detailed analysis to the Board in executive session in accordance with W.S. 16-4-405(a)(vii). If the Board rejects acquisition of the parcel, the Office shall remove the parcel from the Acquisition List. If the Board determines that the parcel may be desirable for acquisition, it may authorize the Office to continue the acquisition process.
- (f) When the Board authorizes the Office to continue the acquisition process for a parcel, the Office shall acquire an option to purchase from the owner of the parcel.

- (g) After acquiring the option to purchase, the Office shall:
 - (i) Obtain an appraisal of the market value of the parcel;
 - (ii) Notify the Wyoming Department of State Parks and Cultural Resources and the Wyoming Game & Fish Department of the proposed acquisition.
 - (iii) Make available to the public:
 - (A) The detailed analysis prepared by the Office;
 - (B) The appraisal;
 - (C) The existence and importance of any wildlife habitat and wildlife-oriented recreational opportunities located on the parcel, as determined by the Wyoming Game & Fish Department; and
 - (D) The existence and importance of any public recreation opportunities or cultural resources located on the parcel, as determined by the Wyoming Department of State Parks & Cultural Resources.
 - (iv) Accept public comment concerning the proposed acquisition; and
 - (v) Hold a public hearing in the county in which the parcel is located. Notice of the hearing shall be sent to the appropriate board of county commissioners.

(h) If at any time the Office finds that acquisition of the parcel is not in the best interest of the state's trust beneficiaries, or if a provision of the option to purchase is violated or cannot be complied with on the part of any party, the Office may elect to terminate the option to purchase and cease the acquisition process. If the Office ceases the acquisition process, it shall immediately remove the parcel from the Category II Acquisition List. The Office shall provide an informational Board Matter for the Board's next regularly scheduled public meeting informing the Board that the acquisition process has ceased.

~~(h)~~(i) Not less than sixty (60) days after the information listed in subsection (g)(iii) is made available to the public, the Board shall consider in open session the proposed acquisition of the parcel. If the Board rejects acquisition of the parcel, the Office shall remove the parcel from the Acquisition List. If the Board determines that the parcel should be acquired, it shall direct the Office to exercise the option to purchase.

Section 4. Disposal Procedure.

(a) Any person, including the Director, may identify a state trust parcel for disposal by the Board. Parcels identified for possible disposal shall be placed on the Category I Disposal List by the Office.

(b) The Office shall review all parcels appearing on the Category I Disposal List for suitability for disposal. If the Director determines that a parcel may be suitable for disposal, the Director shall move the parcel onto the Category II Disposal List. Any parcel that has not been moved onto the Category II Disposal List within one year, shall be removed from the Category I Disposal List.

(c) The Office shall make the Category I and Category II Disposal Lists available to the public.

(d) For each parcel on the Category II Disposal List, the Office shall:

- (i) Notify any surface lessees of the parcel, the Wyoming Department of State Parks and Cultural Resources, and the Wyoming Game & Fish Department of the proposed disposal; and
- (ii) Prepare a detailed analysis of the parcel, including:
 - (A) An appraisal of the market value of the parcel;
 - (B) The income-generating potential of the parcel, individually and in

combination with other state trust lands;

(C) The manageability of the parcel, individually and in combination with other state trust lands;

(D) The existence and importance of any wildlife habitat and wildlife-oriented recreational opportunities located on the parcel, as determined by the Wyoming Game & Fish Department; and

(E) The existence and importance of any public recreational opportunities or cultural resources located on the parcel, as determined by the Wyoming Department of State Parks and Cultural Resources;

(e) When the detailed analysis is complete, the Office shall:

(i) Make the detailed analysis available to the public;

(ii) Solicit and receive public comment on the proposed disposal; and

(iii) Hold a public hearing in the county in which the parcel is located. Notice of the hearing shall be sent to the appropriate board of county commissioners.

(f) If at any time the Office finds that disposal of the parcel is not in the best interest of the state's trust beneficiaries, the Office may cease the disposal process. If the Office ceases the disposal process, it shall immediately remove the parcel from the Category II Disposal List.

~~(f)~~(g) After the public hearing has been held, the Office shall present the detailed analysis to the Board. If the Board rejects disposal of the parcel, the Office shall remove the parcel from the Disposal List. If the Board determines that the parcel should be disposed of, it shall:

(i) Direct the Office to exchange the parcel for a parcel authorized for acquisition;

or

(ii) Establish the minimum bid and direct the Office to sell the parcel at public auction.

Section 5. Exchanges.

Any person, including the Director, may propose a land exchange by placing the parcels to be acquired by the Board in the exchange on the acquisition list in accordance with Section 43 of this chapter, and placing the parcels to be conveyed by the Board in the exchange on the disposal list in accordance with Section 54 of this chapter. If the Board approves both the acquisition, pursuant to the procedure in Section 43, and the disposal, pursuant to the procedure in Section 54, of the parcels comprising the exchange proposal, the Office shall complete the exchange.

Section 6. Voluntary Land Exchange Program.

(a) Definitions. As used in this Section:

(i) “Access” is the means of approaching and entering a parcel via a public right-of-way or other legal easement.

(ii) “Encompassed” means a parcel that is entirely within the real property boundaries of the nominating party.

(iii) “Voluntary” means the willful submission of a nomination by a party who may encompass a parcel.

(iv) “Price Opinion” means the value of a parcel as determined by the Office.

(v) “Isolated Parcel” means a parcel of state trust land comprised of 640 acres or less, without Access.

(b) Only Isolated Parcels that are entirely Encompassed by real property owned by the

nominating party, shall qualify for the Voluntary Land Exchange (VLE) program.

(c) The purpose of the VLE program is to provide an opportunity for the Board through the Office to reposition state trust land ownership from isolated parcels to parcels with Access in an expedited and efficient manner.

(d) All transactions proposed within the VLE program shall follow the process outlined within Section 5 of this Chapter except that the transaction shall include the following requirements:

(i) Once an exchange has received preliminary approval from the Board, the nominating party will be issued a non-negotiable Price Opinion developed by the Office;

(ii) By accepting the PO, the nominating party agrees to waive the formal appraisal process and facilitate the exchange at the values established by the Office;

(iii) Should the nominating party fail to accept the Price Opinion, they may elect to:

(A) Terminate the transaction, or

(B) Secure an appraiser certified under the Uniform Standards of Professional Appraisal Practice (USPAP) and qualified to conduct an appraisal of the parcels to determine the parcel's value. Such appraiser shall be approved and provided with appraisal instructions by the Office. The final appraisal report supplied by the appraiser shall be reviewed by the Office pursuant to USPAP guidelines.

(iv) Once the detailed analysis is published, the Office will solicit public comment for thirty (30) calendar days.

(v) The Office shall conduct a public hearing in the county in which the land is located only if a hearing is requested by the appropriate board of county commissioners.

Section 67. Public Auctions.

(a) All costs incurred by the Office in advertising the auction shall be reimbursed by the purchaser.

(b) The successful bidder will tender a minimum of twenty-five percent (25%) of the total purchase price for the land plus costs associated with the sale, in the form of a cashier's check, certified check, or personal check with a letter of credit. If the highest bid is not from a responsible bidder, the auctioneer shall accept the next highest bid as the high bid.

(c) On the day of the auction, the successful responsible bidder will pay the balance of the purchase price, or execute a sales contract under the provisions of paragraph (d)(ii) of this section.

(d) Payment Options

(i) Purchasers desiring to pay the purchase price in full at the auction shall provide the auctioneer the necessary information to complete a patent or deed.

(ii) Purchasers desiring to finance up to seventy-five percent (75%) of the purchase price through a sales contract shall provide the auctioneer the necessary information to complete the contract. After a receipt for the purchase of improvements as required by W.S. 36-9-105 has been delivered to the Office, the contract shall be forwarded to the purchaser. The Office shall record the executed contract in the Register of Deeds, in the county clerk's office of the appropriate county.

Section 78. Instruments of Conveyance.

(a) To complete an exchange, or upon full payment under a sales contract, or in the case of a cash purchase upon delivery to the Office of a receipt for the purchase of improvements as required by W.S. 36-9-105, the Office shall prepare and record in the Register of Deeds, in the county clerk's office of the appropriate county, one of the following instruments of conveyance:

(i) A patent, if the land has been in state ownership since statehood.

(ii) A warranty deed, if the land has been acquired by the state via a warranty deed.

(iii) A quit claim deed, if the land has been acquired by the state without a warranty.

(b) No patent or deed shall be issued for any portion of the land subject to a sales contract until full payment has been received for all the land under the contract. All recording fees will be paid by the grantee.

(c) For Board acquisitions, the grantor of any privately-owned parcel being granted to the Board shall purchase a policy of title insurance naming the Board as the insured party.

Section 89. Assignments of Sales Contracts.

(a) The original purchaser of state trust land under a sales contract shall remain obligated to the Board for performance under the contract until the Board approves an assignment of the purchaser's rights under the contract.

(b) Upon receipt of written notice of the name, address, and tax identification number of an assignee of the purchaser's contract rights, the Office shall note this information for purposes of mailing payment notices and reporting interest paid on the contract to the United States Internal Revenue Service.