

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

#### Application Requirements to Drill (LAC 43:XIX.103)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX.103 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed action will adopt Statewide Order No. 29-B (LAC 43:XIX.103) Application to Drill, which requires applicants to furnish a pre-entry notice to a surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location, and will amend existing Statewide Order No. 29-B, as enacted by Act 795 of the 2012 Legislative Session.

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation—General Operations

#### Subpart 1. Statewide Order No. 29-B

#### Chapter 1. General Provisions

#### §103. Application to Drill

A. ...

1. Applicants shall furnish a pre-entry notice to the surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location and shall certify that this requirement has been or will be satisfied on the application to drill.

a. The pre-entry notice shall include the following information:

i. the contact name, email address and phone number of the applicant;

ii. the proposed well name and pad location including section, township, range and plat of the pad location, if available;

iii. a statement that construction operations will commence no less than thirty (30) days from the date of the pre-entry notice.

b. No pre-entry notice shall be required if the applicant has a contractual relationship with the surface owner.

c. No pre-entry notice shall be required for preparatory activities such as inspection, surveying, or staking.

d. No pre-entry notice shall be required to drill additional wells on an existing drilling pad provided that applicant does not expand the existing pad or access road.

e. Applicants must include an affidavit on Form AFLN-1, as amended from time to time by the Office of Conservation, with their application certifying compliance with §103.A.1

2. Applicants that receive a drilling permit for a well located within 1,000 feet of an Interstate highway shall furnish a copy of the approved drilling permit and the certified location plat to the appropriate state and local authorities, including all emergency responders.

B. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq. and R.S. 30:28(I)

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (August 1958), (August 1961), (May 1973), amended by the Department of Natural

Resources, Office of Conservation, LR 34:2639 (December 2008), amended LR XX (MMMM YYYY).

#### Family Impact Statement

In accordance with RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule amendments at LAC 43:XIX.103 on family as defined therein.

1. The proposed Rule amendment will have no effect on the stability of the family.

2. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The proposed Rule amendment will have no effect on the functioning of the family.

4. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. Family or local government are not required to perform any function contained in the proposed Rule amendment.

#### Small Business Statement

In accordance with R.S. 49:965.6, the Department of Natural Resources, Office of Conservation has determined that these amendments will have no estimated effect on small businesses.

#### Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at the public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., January 3, 2013, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA, 70804-9275; or Office of Conservation, Environmental Division, 617 North Third St., Room 817, Baton Rouge, LA 70802. All inquiries should be directed to Tyler P. Gray at the above addresses or by phone to (225) 342-5570. No preamble was prepared.

#### Public Hearing

The commissioner of conservation will conduct a public hearing at 10 a.m., December 27, 2012, in the LaBelle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

James H. Welsh  
Commissioner

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: General Operations, Statewide Order No. 29-B (LAC 43:XIX.103) Application to Drill

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local government units as a result of the proposed rule changes. The proposed amendment, which provides for implementation of Act 795 of the 2012 regular legislative session, requires that operators furnish a pre-entry notice to the surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location and certify that this requirement has been or will be satisfied on the drilling application submitted to the Department of Natural Resources Office of Conservation.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local government units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed amendment, which provides for implementation of Act 795 of the 2012 regular legislative session, requires that operators furnish a pre-entry notice to the surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location and certify that this requirement has been or will be satisfied on the drilling application submitted to the Department of Natural Resources Office of Conservation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimate effect on competition and employment as a result of this rule change..

James H. Welsh  
Commissioner  
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Evan Brasseaux  
Staff Director  
Legislative Fiscal Office