

Can the pipeline company survey my land?

- Pursuant to [section 479B.15](#) After the informational meeting or after the filing of a petition to the IUB, if no informational meeting is required, a pipeline company may enter upon private land for the purpose of surveying and examining the land to determine direction or depth of pipelines.
- They can ONLY do this if you voluntarily agree OR by giving ten (10) days' written notice by **restricted certified mail** to the landowner as defined in [section 479B.4](#) and to any person residing on or in possession of the land.
- Restricted Certified means those persons named MUST sign for the mailing. Without the required signatures there is no evidence that this legal notice was received by the required parties.
- Restricted certified mail means that the mailing can ONLY be delivered to the addressee(s) and ONLY the person(s) listed as the addressee(s) can sign for the mailing. Regular certified mail could be signed for by someone other than the addressee(s).
- "Landowner" is defined as a person listed on the tax assessment rolls.
- "Any person residing on or in possession of the land" refers to anyone living at the premises **and** any tenant with rights to the real property – such as anyone who leases your property and your farm tenant.
- The pipeline companies need to be able to prove that the correct persons signed for, accepted, and had actual notice of the intent to survey 10-days prior to the survey. Therefore, if they have failed to obtain

the signed return receipt by all landowners, AND by any person residing at the property, AND to any tenant in possession of the land, such as a farm tenant, then they cannot survey – without a court ordered injunction.

- The entry for land surveys – if they follow all the legal requirements - shall not be deemed a trespass and may be aided by injunction. This means if they cannot perfect notice or their service of their survey notice, they can request the Court enter an order authorizing them to enter your land and survey.
- If you have a conversation with them, they will later try to say you “verbally agreed.” If you speak to the pipeline company or their out-of-state agents, be careful. If you have previously given verbal or written permission to survey you need to rescind this permission if you don’t want a survey to occur.
- The pipeline company shall pay the actual damages caused by the entry, survey, and examination.
 - This is why it is important to monitor their activities. You are encouraged to photograph and video any persons on your property to document their presence and create evidence of their actions should that be needed in the future.
- You are not required to accept the restricted certified mail or to sign for it. You are encouraged to film and photograph the surveyor’s actions and to document any property damage.
- If all required persons have not signed for the Restricted Certified notice, and there are persons trying to enter or are upon your land, call your

County Sheriff and report them as trespassers. It is NOT enough for your Sherriff to say “you knew what was in the envelope” or “the envelope said the name of the pipeline company, so you knew what this was about” or any similar statement. It is the legal requirement of the entity wanting to enter YOUR land to follow the laws by the book and that means they need to prove effective service of the 10-day required notice – not a mere attempt at a mailing but show the signed receipt proving service.

HERE IS THE LAW VERBATIM. THEY MUST HAVE COMPLETED ALL OF THESE STEPS WHICH I OUTLINED ABOVE:

- Survey Law 479B.15 - Entry for land surveys. After the informational meeting or after the filing of a petition if no informational meeting is required, a pipeline company may enter upon private land for the purpose of surveying and examining the land to determine direction or depth of pipelines by giving ten days’ written notice by restricted certified mail to the landowner as defined in section 479B.4 and to any person residing on or in possession of the land. The entry for land surveys shall not be deemed a trespass and may be aided by injunction. The pipeline company shall pay the actual damages caused by the entry, survey, and examination.