

G. W. ANDERSON

IBLA 72-143

Decided December 15, 1971

Oil and Gas Leases: Generally

The Board adheres to its decision in Quantex Corporation et al., 4 IBLA 31, 78 I.D. (October 28, 1971), that applicants for oil and gas leases must give written acceptance of reasonable special stipulations requested by the Bureau of Land Management relating to protection of the land and surface resources, and to stipulations governing use of land in the oil shale areas of Colorado, Utah and Wyoming, as conditions precedent to issuance of noncompetitive public domain oil and gas leases.

Rules of Practices: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant withdraws the appeal and complies with the requirements imposed by the Bureau of Land Management which were the subject of the appeal.

IBLA 72-143 : U 15806-15811 inc.,  
: 15819, 15820, 15905

G. W. ANDERSON : Oil and gas lease offers,  
: stipulation required

: Affirmed in part, appeal  
: dismissed in part

#### DECISION

G. W. Anderson has appealed from decisions dated September 2 and 7, 1971, by which the Utah State Office, Bureau of Land Management, required him to accept special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under section 17, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to his lease offers, U 15806-15811, inclusive, 15819, 15820, and 15905. The stipulations would require the lessee to notify, in writing, the Bureau of Land Management district manager of any proposed operations on the leasehold which might damage the surface resources, cause water pollution, scar the public lands or induce erosion. They would further limit the lessee as to his use of lands within "oil shale areas" established by Executive Order 5327 of April 15, 1930.

By letter of November 16, 1971, Anderson withdrew his appeal on offer to lease U 15819, withdrew the offer in part and accepted the required stipulations for the lands remaining in the offer.

This action by Anderson leaves in effect his appeal as to offers U 15806-15811, inclusive, 15820 and 15905. However, Anderson having accepted stipulations relating to offer U 15819, his contentions that the identical stipulations are arbitrary and capricious and impose unreasonable requirements against the remaining offers appear to be less than candid or bona fide.

This Board recently reviewed the requirements for special stipulations designed to protect the lands and their resources, and the authority of the Bureau of Land Management to impose them as a condition precedent to issuance of oil and gas leases, 43 CFR 3109.2 (1971), and set forth its conclusions in Quantex Corporation et al., 4 IBLA 31, 78 I.D. (October 28, 1971). That decision held that as the required stipulations are not unreasonable or unduly restrictive, and

since they will not prevent the orderly development of the oil and gas resources in the lands involved, they must be accepted by the appellants or their offers will be rejected.

This Board finds no reason to disturb its previous ruling.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the appeal relating to U 15819 is dismissed, and the decisions relating to offers U 15806-15811 inclusive, 15820 and 15905 are affirmed. Anderson is allowed 30 days from the date of this decision within which to submit executed copies of the required stipulations to the Utah State Office, Bureau of Land Management, failing in which his offers will be rejected without further notice. The case files are remanded to the Bureau of Land Management for appropriate action.

Newton Frishberg, Chairman

We concur:

Martin Ritvo, Member

Anne Poindexter Lewis, Member

