

GEOCON, INC. AND CAMEO MINERALS, INC.
ET AL.

IBLA 71-26, etc.

Decided March 6, 1972

Appeal from decisions (Utah 12126, etc.) by Utah state office, Bureau of Land Management, requiring stipulations to oil and gas leases.

Affirmed.

Oil and Gas Leases: Generally--Oil and Gas Leases: Consent of Agency

The Board adheres to its decision in Quantex Corporation et al., 78 I.D. 317 (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 under its jurisdiction and to stipulations governing use of lands in the oil shale area of Utah as conditions precedent to issuance of noncompetitive public domain oil and gas leases.

APPEARANCES: Geocon, Inc., pro se; Cameo Minerals, Inc., pro se; R. J. Hollberg, Jr., pro se; John Oakason, pro se; Francis Kunkel, pro se; Robert R. Bush and Wallace V. Jacobson, pro se; Donald C. and Nancy Kae Muir, pro se; Quantex Corporation, pro se.

OPINION BY MR. RITVO

Geocon, Inc. and Cameo Minerals, Inc., and others 1/ have appealed individually from decisions in which the Utah land office, Bureau of Land Management, required each of them to agree to special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under § 17 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to their respective lease offers.

1/ See Appendix A for a listing of IBLA docket numbers, BLM serial numbers, appellants, and stipulations required for each offer.

Some of the stipulations would require the lessee to notify in writing the district manager, Bureau of Land Management, of any proposed exploratory operations on the leasehold within its respective area of jurisdiction involving use of bulldozers, earthmoving, or similar mobile equipment which might damage the surface resources, scar the public land or induce erosion. Others of the stipulations would require the lessee to have prior approval from the district manager, Bureau of Land Management, before beginning any operation which might result in damage to the property or induce erosion. In two cases, the stipulations would permit only directional drilling originating outside certain restricted areas. Another set of stipulations are directed to lands within the "oil shale areas" established by Executive Order No. 5327 of April 15, 1930 and Public Land Order 4522, September 13, 1968, 33 F.R. 14329 (1968). Finally, several require prior approval by the Forest Service of any plan of construction or development which involves removal of vegetation.

The appellants contend essentially that the required stipulations will create unnecessary restrictions against exploration for oil and gas under the federal leases.

This Department has considered on many occasions the arguments presented by the appellants against imposition of special stipulations on oil and gas leases for the protection of the lands and their resources. In a recent decision, Quantex Corporation et al., 78 I.D. 317 (1971), 2/ this Board reviewed the requirements for such stipulations 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, 3109.4 (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 the offers will be rejected.

The 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 decisions appealed from are affirmed. Each appellant

2/ Several of the appellants presently at bar had appeals included in the Quantex decision and in Benjamin T. Franklin, 4 IBLA 130 (November 30, 1971), a similar case.

is allowed 30 days from the date of this decision within to submit executed copies of the required stipulations to the Utah land office, Bureau of Land Management, failing in which his offers herein discussed will be rejected without further notice.

Martin Ritvo, Member

We concur:

Douglas E. Henriques, Member

Edward W. Stuebing, Member

APPENDIX A

Docket Number	Appellant	BLM Serial	Stipulations *
71-26	Geocon, Inc. and Cameo Minerals, Inc.	U-12126 U-12127	BLM BLM
	U-12128	FS	
	U-12129	BLM	
72-140	R. J. Hollberg, Jr.	U-16284	OS
	U-16285	OS	
	U-16286	OS	
	U-16287	OS	
	U-16288	OS	
	U-16289	OS	
	U-16290	OS	
72-167	John Oakason	U-15982	BLM
	U-16418	BLM	
	U-16419	BLM	
	U-16473	PA-DD	U-16475 BLM
	U-16476	BLM	
72-170	Francis Kunkel	U-16470	BLM
72-183	Wallace V. Jacobson	U-16637	BLM
	Robert R. Bush	U-16638	BLM
	U-16640	BLM	
	U-16642	BLM	
	U-16643	BLM	
	U-16645	BLM	
	U-16646	BLM	
72-185	Donald C. Muir	U-16630	BLM
	U-16631	BLM	
	U-16633	BLM	
	U-16634	BLM	
	Nancy Kae Muir	U-16670	BLM
	U-16671	BLM	
	U-16672	BLM	
	U-16673	BLM	

	72-191	Cameo Minerals, Inc.	U-16620	BLM	
		U-16621	PA-DD		U-16624
BLM		U-16626	BLM		
		U-16627	BLM		
		U-16628	BLM		
		U-16629	BLM		
		U-16662	BLM		
		U-16663	BLM		
		U-16664	BLM		
		U-16665	BLM		
	72-192	Quantex Corporation	U-16595	BLM	
			U-16596		BLM
		U-16597	PA		
		U-16598	BLM		
		U-16601	BLM		
	72-197	John Oakason	U-16656	PA	
		U-16657	(copy of stipula-		tions not in
file)		U-16658	PA		
		U-16674	BLM		
		U-16675	PA		
		U-16676	PA		
		U-16684	PA		

* BLM: Notice to district manager.

OS: Oil shale lands involved.

PA: Prior approval from district manager.

DD: Directional drilling requirement.

FS: Prior approval by the Forest Service.

