

IBLA 72-366 etc.

Decided July 12, 1972

Appeals from separate decisions of the Utah state office, Bureau of Land Management, requiring the acceptance of certain stipulations as a condition precedent to the issuance of oil and gas leases.

Affirmed or modified.

Oil and gas leases: Generally

An applicant for an oil and gas lease is required to consent to special stipulations where the stipulations are consistent with the lease terms, regulations and departmental policies and where the requirements of the stipulations are not unreasonable or onerous.

All applicants for oil and gas leases covering lands withdrawn for oil shale must execute the special stipulations required by Secretarial Order No. 2906 of September 27, 1968.

Oil and gas leases: Consent of agency.

Special stipulations requested by the Forest Service on public domain lands will not be imposed where the proposed stipulations are not supported by valid reasons.

OPINION BY MR. FRISHBERG

The appellants listed in the appendix attached hereto have severally appealed from separate decisions of the Utah state office, Bureau of Land Management, requiring the acceptance of stipulations as a condition precedent to the issuance of oil and gas leases pursuant to applications filed therefor. The applicants were required to execute the state office stipulation form USO 3110-3 together with form 3110-4, where applicable, i.e., where the lands are withdrawn for oil shale by Executive Order 5327 of April 15, 1930.

In some instances the appellants were also required to accept certain special stipulations for lands within a national forest under surface administration of the Forest Service.

In general, the appellants assert that the stipulations are unduly burdensome and restrictive and would interfere with oil and gas operations

In William S. Burness, 1 IBLA 180 (Dec. 24, 1970), we considered the same 'oil-shale' stipulation involved here. We noted that the Secretarial Order No. 2906, of September 27, 1968 33 FR 14789; 615 DM 2.1, requires the execution of the oil shale stipulations required by that order. In Quantex Corp., 78 I.D. 317 (1971), we held that the appellant must accept the same required stipulation or face rejection of his lease offer. Attention is also invited to the fact that the Secretary's Order preceded the appellants' lease offers by over three years.

In John Oakason et al., 6 IBLA 275 (June 29, 1972), we fully considered the stipulations required by the Utah state office form 3110-3, the same as are involved in this appeal. We found the stipulations consistent with the lease terms, regulations and departmental policies. We held they are not unreasonable, arbitrary or capricious and are properly imposed. Also see Quantex, supra; Bob Owen White, 5 IBLA 229 (March 22, 1972); J. D. Archer, 2 IBLA 303 (May 26, 1971).

As in the cited cases, appellants herein must accept the public lands and/or oil shale stipulations or face rejection of their lease offers; the decisions below are affirmed to the extent they require this by execution of USO forms 3110-3 and 3110-4. Each appellant will be allowed 30 days from notice by the State office to submit executed stipulation forms.

Several of the decisions below require appellants to accept stipulations requested by the Forest Service to protect National Forest lands under the surface administration of that agency. The stipulations are substantially similar to those considered in Duncan Miller, 79 I.D. 416 (June 22, 1972). As in Miller, the sought-to-be-imposed stipulations will not be required because they appear to be unsupported by any valid reason. However, the State office is directed to ascertain specific Forest Service needs, if any, for special stipulations and to impose them within the guidelines outlined in Miller. The decisions requiring the special Forest Service stipulations are modified accordingly.

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Therefore, pursuant to the authority delegated to the Board of Land Appeals, 211 DM 13.5, the case records are remanded for appropriate action.

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Newton Frishberg, Chairman

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Edward W. Stuebing, Member

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Frederick Fishman, Member

6 IBLA 316

APPENDIX

Ida Lee Anderson

IBLA 72-362a; U-17741-17751  
72-366; U-17727-17732,17734,17752-17755

Jean Oakason

IBLA 72-442; U-17988

John Oakason

IBLA 72-449a; U-17862,18574-18577  
72-471; U-15478

Quantex Corp.

IBLA 72-454a; U-18554-18560  
72-467; U-16603

Bernard W. Cline

IBLA 72-465; U-18578-18580

Frances Kunkel

IBLA 72-432; U-15944  
72-476; U-18597-18601  
72-484; U-18602

Benjamin T. Franklin

IBLA 72-448; U-14432  
72-477; U-18622-18629  
72-483; U-17995

E. E. House

IBLA 72-475; U-18608

M. J. Harvey, Jr.

IBLA 72-331; U-17262, 17320

