

MARTIN EXPLORATION, INC.

IBLA 72-486

Decided June 28, 1973

Appeal from a decision of the Riverside, California, District and Land Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer R 2751.

Affirmed.

Oil and Gas Leases: Discretion to Lease

The Secretary of the Interior has discretion to lease or to refrain from leasing the public lands for oil and gas exploration.

Oil and Gas Leases: Generally--Oil and Gas Leases: Noncompetitive Leases

When a noncompetitive oil and gas lease offer is rejected by the Secretary of the Interior in the exercise of his discretion, the offer will not be held in suspense pending a future determination that the lands described in the offer should be leased.

APPEARANCES: Albert Rosen, President, and Arlene Rogers, Assistant Secretary, of Martin Exploration, Inc., Sherman Oaks, California, for appellant.

OPINION BY MR. GOSS

Martin Exploration, Inc., filed a noncompetitive oil and gas lease offer, pursuant to the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. §§ 181 et seq. (1970), on April 10, 1970, for 680 acres in Inyo County, California.

The Riverside Office, Bureau of Land Management, stated that the lands encompassed by lease offer R 2751 included hot springs in the Saline Valley which contain a rare desert pupfish and that the area has high recreational value. The decision noted that the lands were being considered for designation as a natural or wilderness area. It concluded by rejecting appellant's offer stating that the issuance of a lease is completely discretionary with the Secretary of the Interior and that such discretion "requires rejection of any proposal to conduct mineral operations that would destroy or seriously degrade the natural and recreational values on the lands included in offer R 2751."

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It is clear that the issuance of oil and gas leases is discretionary with the Secretary of the Interior. Jack E. Griffin, 7 IBLA 155, 156 (1972), and cases cited therein. This proposition is not disputed by appellant. Nor does appellant contest the Land Office's reasons for rejecting the lease; it does request, however, that the rejection of its offer be withdrawn and that final decision on such offer be withheld pending the outcome of a study of the uses of the lands in the area of the lease offer. Appellant seeks such action in order to maintain its priority should the lands be determined as available for leasing.

Appellant's request to withhold final decision on the offer is denied. We adhere to the Departmental policy which has been, as to applications for mineral leases and other interests in public lands, to reject all applications for lands which are not available because the Secretary in the exercise of his discretion has determined not to issue leases thereon. See Georgette B. Lee, 10 IBLA 23, 26 (1973); J. G. Hatheway, 68 I.D. 48, 51 (1961).

The rationale for such a policy is set forth in Hatheway, at 52. It is based upon sound administrative practice. The public land records should not be burdened with applications whose status will remain in limbo for an indefinite period. Therefore, appellant's offer was properly rejected and will not be suspended for future consideration.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss, Member

We concur:

Douglas Henriques, Member

Joan B. Thompson, Member

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