

Editor's note: Appealed -- aff'd, Civ. No. 1929-73 (D.D.C. Feb. 15, 1974)

DUNCAN MILLER

IBLA 73-339

Decided July 17, 1973

Appeal from decision M-23511, by the Montana State Office, Bureau of Land Management, requiring execution of stipulations for oil and gas lease.

Affirmed.

Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications: Generally

An applicant for an oil and gas lease must execute reasonable special stipulations required by the Bureau of Land Management relating to protection of the land and surface resources as a condition precedent to issuance of such lease and there is no authority for the Government to credit a lessee for any expense in complying with such stipulations.

APPEARANCES: Duncan Miller, pro se.

OPINION BY MR. FRISHBERG

As a condition precedent to the issuance of oil and gas lease pursuant to offer M-23511, the Montana State Office, Bureau of Land Management, required appellant to consent to certain special stipulations relating to the protection of land and surface resources. Miller appealed, objecting not to the conditions but requesting that he be afforded a credit for any expenses attendant for the compliance thereof.

Appellant has been informed on a number of occasions that compliance with reasonable stipulations or conditions is an essential ingredient of lease terms and that there is no legal or regulatory basis for the Government crediting a lessee for the expense thereof or for the Government, in effect, bearing such expense. Duncan Miller, 12 IBLA 185 (1973); Duncan Miller, 11 IBLA 1 (1973); Duncan Miller, 10 IBLA 133 (1973). In Duncan Miller, 11 IBLA 14, 80 I.D. 322 (1973), we informed appellant that he is required to comply with all the lease

12 IBLA 199

terms, including the operating regulations, at his own expense. In that case we also noted that appellant had not expended any moneys whatsoever for environmental protection, that he is not entitled to recompense or relief and that in such case an appeal is moot. For the reasons stated in the cited cases, the decision below must be affirmed.

Therefore, 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.

Newton Frishberg, Chairman

We concur:

Douglas E. Henriques, Member

Frederick Fishman, Member

