

DUNCAN MILLER

IBLA 74-339

Decided July 22, 1974

Appeal from decision of the Wyoming State Office, Bureau of Land Management, requiring execution of special stipulations as a condition precedent to issuance of oil and gas leases W-37161, 37173, 37178, 37217, 37316.

Affirmed.

Oil and Gas Leases: Generally

As a condition precedent to the issuance of oil and gas leases of public lands an applicant must give written acceptance of reasonable stipulations required by the Bureau of Land Management relating to the protection of the land and its resources.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Duncan Miller has appealed from the June 3, 1974, decision of the Wyoming State Office, Bureau of Land Management (BLM), which required him to execute certain special stipulations for the protection of the environment as a condition precedent to the issuance of five oil and gas leases on public lands in Wyoming. 1/

It appears that such stipulations imposed excessive costs on any operations on such leases and this at a time when inflation is running wild . . . and is getting worse and worse every day. Moreover it is possible that the bureauacracy, [sic] which has control over the stipulations, will also get more arbitrary and officious – not every day of course but in stages. So that eventually it will crush free enterprise.

1/ The stipulations are contained in Form 3109-5 (August 1973).

This Board has held in many cases involving this same appellant that applicants for oil and gas leases must give written acceptance of reasonable special stipulations requested by the BLM relating to protection of the land and its resources as a condition precedent to issuance of oil and gas leases on the public lands. Duncan Miller, 16 IBLA 24 (1974); Duncan Miller, 15 IBLA 116 (1974); Duncan Miller, 14 IBLA 185 (1974); Duncan Miller, 12 IBLA 199 (1973); Duncan Miller, 12 IBLA 185 (1973); Duncan Miller, 11 IBLA 1 (1973); Duncan Miller, 10 IBLA 133 (1973).

This Board has also approved the exact special stipulations to which appellant has objected. John Snyder, 15 IBLA 253, 257 (1974); Allan R. Hallock, 13 IBLA 13 (1973).

Appellant also states that he does not understand the reasons for our past decisions and asks that we overrule them.

The Secretary's authority to impose reasonable stipulations for the protection of the environment is clearly set forth in A. Helander, 15 IBLA 107, 109:

The Secretary of the Interior is vested with plenary authority over administration of the public lands, including institution of measures designed to protect these lands and their resources, 43 U.S.C. § 1457 (1970); John Oakason, 3 IBLA 148, 149 (1971). The Secretary of the Interior has discretionary authority to issue oil and gas leases under such rules and regulations as he deems necessary. 30 U.S.C. § 189 (1970). He may require acceptance of special stipulations as a condition precedent to the issuance of such a lease where such stipulations are designed for protection of the soil and surface resources and do not unreasonably interfere with the lessee's rights of enjoyment. Quantex Corporation, 4 IBLA 31, 78 I.D. 317 (1971); Allan R. Hallock, 13 IBLA 13 (1973). Furthermore, he is obligated to support and implement the national policy expressed by Congress in the National Environmental Policy Act of 1969. 42 U.S.C. § 4331 (1970). Allan R. Hallock, *supra* at 14, John Oakason, *supra*.

Appellant's fears that the "bureaucracy" will become arbitrary and "officious" and eventually crush free enterprise are without foundation. We have held that such stipulations must not unreasonably interfere with the public land lessee's rights of enjoyment; and where stipulations have been found to be unreasonable on that basis, we have not hesitated to strike them down. Allan R. Hallock, *supra*; A. Helander, *supra*; Duncan Miller, 11 IBLA 107 (1973); Duncan Miller, 6 IBLA 216, 79 I.D. 416 (1972).

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.

Edward W. Stuebing
Administrative Judge

We concur.

Newton Frishberg
Chief Administrative Judge

Anne Poindexter Lewis
Administrative Judge

