

JAMES A. KRUMHANSL

IBLA 74-247

Decided February 21, 1975

Appeal from decision of the Utah State Office, Bureau of Land Management, requiring execution of special stipulations as a condition precedent to the issuance of an oil and gas lease under U-16781.

Set aside and remanded.

1. Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Consent of Agency -- Oil and Gas Leases: Stipulations

Where the Forest Service suggests a stipulation barring any occupancy and use of the surface as a condition precedent to the issuance of an oil and gas lease for public lands in a national forest, based only on the fact that the land is in an "inventoried roadless area," and where later the Forest Service agrees to a revised stipulation, the Bureau of Land Management decision to the extent it required the execution and filing of the "Roadless Area" stipulation will be set aside and the case remanded to the Bureau for submission of the substitute stipulation to the offeror for execution and filing.

APPEARANCES: Gerald E. Nielson, Esq., of Yano & Nielson, Salt Lake City, Utah, for appellant.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

James A. Krumhansl has appealed from that part of the decision of the Utah State Office, Bureau of Land Management (BLM), dated

February 4, 1974, which required him to execute, as a condition precedent to the issuance of a lease for oil and gas under offer U-16781, a "Stipulation for Roadless Areas" applicable to a certain portion of the public lands described in the offer, all of which are in the Dixie National Forest, Utah.

This Board inquired of the Regional Forester whether the revised stipulation furnished in Rainbow Resources, Inc., 17 IBLA 142 (1974), could be substituted in the instant case for the "Stipulation for Roadless Areas" which Mr. Krumhansl finds objectionable. The Forest Service responded to the effect that it is agreeable to the substitution.

[1] In accordance with our ruling in Rainbow Resources, Inc., supra, we direct the Bureau of Land Management to submit the new stipulation to appellant and to allow him 30 days from the receipt thereof within which to execute and file the stipulation.

We note in passing that one matter requires clarification by the Forest Service prior to furnishing of the new stipulation to the offeror for execution. There is a variance between the legal description of the land in the original stipulation and the description of those lands set out in the letter transmitting the original stipulation to the Utah State Office, BLM.

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 set aside and the case file is remanded to the Utah State Office for further action consistent with this opinion.

Anne Poindexter Lewis  
Administrative Judge

We concur:

Joan B. Thompson  
Administrative Judge

Frederick Fishman  
Administrative Judge

