

SHELL OIL COMPANY

IBLA 75-265

Decided May 27, 1975

Appeal from decision of Idaho State Office, Bureau of Land Management, rejecting oil and gas lease offers, I-8508, 8509, 8516, 8517.

Set aside and remanded.

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

Where an application to lease land under the jurisdiction of another agency is rejected because of objections by that agency, and where on appeal that agency subsequently agrees to lease the land subject to certain special stipulations, such stipulations will be submitted to the offeror for execution.

APPEARANCES: Albert C. Angsman, Esq., Houston, Texas, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Shell Oil Company appeals from the November 21, 1974, decision of the Idaho State Office, Bureau of Land Management (BLM), which rejected its applications to lease certain public land located within the Kilgore, Idaho, Sheep Experimental Station, T. 11 N., Rs. 36, 37 E., Boise Meridian, Clark County, Idaho. That land is under the jurisdiction of the Agricultural Research Service of the United States Department of Agriculture. After Shell filed its applications to lease the land, the BLM requested the views of the Agricultural Research Service with respect to the proposed leases. The Agricultural Research Service's response was unfavorable to any leasing due to possible disruption of the research program. Consequently, BLM rejected all the lease offers.

On appeal, Shell offered to enter into a number of stipulations in order to obtain a favorable response from the Agricultural Research Service to its lease offers. On April 10, 1975, we wrote to the Agricultural Research Service to obtain their reaction to the proposed stipulations. On April 30, 1975, the Agricultural Research Service replied that it had reached an agreement with Shell to lease the land subject to certain stipulations, copies of which were supplied.

[1] In previous cases we have held that where an application to lease land under the jurisdiction of another agency is rejected due to objections by that agency, and where that agency subsequently agrees to lease the land, subject to special protective stipulations, the rejection of the lease offer will be set aside and the stipulations submitted to the offeror for execution. Benjamin T. Franklin, 19 IBLA 94 (1975); James A. Krumhansl, 19 IBLA 56 (1975); Rainbow Resources, 17 IBLA 142 (1974); Carolyn S. Edwards, 14 IBLA 141 (1974). We adhere to that practice in this case.

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 remanded to the Idaho State Office for action consistent with the views expressed herein.

Edward W. Stuebing
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Joseph W. Goss
Administrative Judge

