

ROSITA TRUJILLO

IBLA 75-393

Decided August 11, 1975

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting, in part, oil and gas lease offer W 48291.

Affirmed.

1. Oil and Gas Leases: Discretion to Lease -- Oil and Gas Leases: Lands Subject to -- Wild and Scenic Rivers Act

Oil and gas lease offers embracing lands within an area under consideration as a potential wild and scenic river area pursuant to section 5(d) of the Wild and Scenic Rivers Act, 16 U.S.C.A. § 1276(c) (Supp. 1975), or within adjacent areas having special resource values which might be damaged by oil and gas leasing may be properly rejected in the exercise of the Secretary's discretion in leasing.

APPEARANCES: Rosita Trujillo, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Rosita Trujillo appeals from the February 6, 1975, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting her application to lease all available lands in section 2, 3, 10 and 11, T. 56 N., R. 103 W., 6th P.M., Clark County, Wyoming. ^{1/} The BLM rejected appellant's application for three reasons. First, there is a strong possibility of aesthetic damage to the area which is a heavily traveled and much used recreational area. Second, the Clark Fork of the Yellowstone River has been designated for study for possible inclusion in the national wild and scenic rivers

^{1/} Two small parcels, 85 and 87, located in sections 14 and 23, and totaling 81.28 acres were approved for leasing.

system. 2/ Third, there is a possibility of damage to the fish of the Clark Fork River due to pollution of the river by oil and gas activity.

Appellant argues with conviction that the geology of the lands applied for is such as to represent a relatively good potential for wildcat production. She asserts that the need for increased domestic petroleum production makes the leasing of such tracts, subject to reasonable restrictions, in the public interest.

[1] The Secretary of the Interior has discretion to refuse to lease lands for oil and gas. General Crude Oil Co., 18 IBLA 326, 329 (1975). And this Board has held that oil and gas lease offers for land within an area designated for study for possible inclusion in the wild and scenic rivers system, pursuant to 16 U.S.C.A. § 1276(c) (Supp. 1975), or within adjacent areas may be rejected in exercise of the Secretary's discretion. John Oakason, 19 IBLA 191 (1975); Sheridan L. McGarry, 14 IBLA 23 (1975); Dean W. Rowell, 13 IBLA 249 (1973). In Rowell, McGarry and Oakason we stated:

It is conceivable that this proposal for a wild and scenic river area may * * * die aborning. However, while the lands are under consideration by the State Director for possible inclusion under the Wild and Scenic Rivers Act of 1968, 16 U.S.C. §§ 1271-1287 (1970), the Secretary of the Interior, through his delegates, has the discretion to refrain from leasing the tracts in question. Section 5 of the Wild and Scenic Rivers Act, 16 U.S.C. § 1276(d) (1970), mandates consideration by federal agencies of potential national wild, scenic and recreation river area. Similarly, Section 4 of the Act, 16 U.S.C. § 1275(a), prescribes that the Secretary of the Interior shall from time to time submit proposals to the Congress and the President for additions to the national wild and scenic rivers system.

The field report supports the conclusion that oil and gas activity would have adverse effects in both scenic and recreational values:

With the completion of the Clarks Fork Highway, this scenic route will provide the Bureau with perhaps the most scenic development area in Wyoming. At present,

2/ See the amendments to the Wild and Scenic Rivers Act by P.L. 93-621, 88 Stat. 2094, 1974 U.S. Code Congressional and Administrative News 2429.

very few man-made features obstruct the natural setting. This area has potential for archeological and geological interpretive displays, both day and night use facilities, and fishing access points. The area is within a use zone of Cody to accommodate the rapidly increasing overflow crowds from Yellowstone National Park. It is felt that no matter how restrictive or carefully the oil and gas activities are supervised, irreversible damage will occur to limit or destroy the natural aesthetic values.

Appellant's contentions are neither erroneous nor unreasonable. They represent only another point of view; a different side of the ongoing controversy over the identification and priority of concerns which comprise the public interest. However, where the responsibility for making such judgments has been exercised by an officer duly delegated with the authority to do so, his action will ordinarily be affirmed in the absence of a showing of compelling reasons for modification or reversal.

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.

Edward W. Stuebing
Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

