

MILAN S. PAPULAK

IBLA 77-107

Decided June 23, 1977

Appeal from decisions of the Utah State Office, Bureau of Land Management, requiring that special stipulations be accepted prior to issuance of noncompetitive oil and gas leases U-33030 and U-33031.

Affirmed.

1. Oil and Gas Leases: Stipulations

The Secretary of the Interior may require offerors for noncompetitive oil and gas leases to accept stipulations reasonably designed to protect environmental and other land use values prior to the issuance of the leases. A stipulation which may require the lessee, at his own expense, to make an inventory of all archeological, paleontological, and historical sites on those areas of the lease which he proposes to enter for exploration or drilling, and to accept reasonable conditions of use for the protection of such sites and artifacts and which requires the lessee to bear the cost of salvaging all objects of antiquity, is reasonable and will be upheld.

APPEARANCES: Milan S. Papulak, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Milan S. Papulak has appealed from the December 9 and 10, 1976, decisions of the Utah State Office, Bureau of Land Management (BLM), requiring him to accept certain stipulations prior to the issuance of noncompetitive oil and gas leases U-33030 and U-33031. Appellant

filed over-the-counter offers for the leases on March 23, 1976. Each lease offer includes land within the Fishlake National Forest.

The Acting Regional Forester reported to the BLM State Office by letter of December 1, 1976, that the Forest Service had no objection to the issuance of these leases, among others, provided that certain stipulations were attached to and made a part of each lease. The State Office then followed the recommendation of the Forest Service and sent the stipulations to appellant for acceptance.

Appellant objects to Surface Occupancy Stipulation, section 1(b), by which the lessee agrees not to enter upon the lease area or disturb the surface for exploration or drilling purposes until the lessee, in the absence of action by the surface management agency, makes at his own expense an inventory of all archeological, paleontological and historical sites in the areas of the lease subject to development, occupancy or surface disturbance and accepts reasonable conditions of use for the protection of such sites and artifacts. The stipulation also requires the lessee to bear the costs of salvaging objects of antiquity, which objects remain the property of the United States. Appellant argues that this stipulation violates his rights as provided by the terms of the lease contained in his lease offer. He states that he has no objection to the Government conducting inventories and salvage operations on the land, if it is accomplished at Government expense.

[1] The arguments presented by appellant have been rejected by this Board in the past. E.g., Milan S. Papulak, 30 IBLA 220 (1977); General Crude Oil Company, 28 IBLA 214, 83 I.D. 666 (1976); W. E. Haley, 25 IBLA 311 (1976); Duncan Miller, 24 IBLA 203 (1976). Those decisions have held generally that the Secretary of the Interior may require offerors for noncompetitive oil and gas leases to accept stipulations reasonably designed to protect environmental and other land use values prior to issuing the leases. See 43 CFR 3109.2-1. Such stipulations may be required by BLM for oil and gas leases, either for lands it administers or after giving careful consideration to the recommendations of the administering agency, such as the Forest Service. The particular stipulation appellant protests against was upheld as a reasonable exercise of the Secretary's authority in Milan S. Papulak, supra, and W. E. Haley, supra. Appellant has presented no arguments which would warrant a different result here.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Joan B. Thompson
Administrative Judge

We concur:

Anne Poindexter Lewis
Administrative Judge

Frederick Fishman
Administrative Judge