

ARTHUR ANCOWITZ

IBLA 80-707

Decided March 2, 1981

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer OR 23095 for failure to execute special stipulations.

Affirmed.

1. Oil and Gas Leases: Stipulations

Where the Bureau of Land Management requests an offeror for a noncompetitive oil and gas lease to execute special stipulations involving protection of cultural and archaeological resources on the leased lands within 30 days, it may properly reject the lease offer when the special stipulations are not executed and submitted within the 30 days.

APPEARANCES: Arthur Ancowitz, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Arthur Ancowitz has appealed from a decision of the Oregon State Office, Bureau of Land Management (BLM), dated June 3, 1980, which rejected his noncompetitive lease offer OR 23095 for failure to execute special stipulations as a condition precedent to issuance of the lease.

Appellant was the successful drawee for parcel No. OR 0-009 in the November 1979 drawing under the simultaneous procedure. By decision dated February 29, 1980, appellant was offered a lease provided he execute certain stipulations that were attached to and made part of the lease. These stipulations involved protection of cultural and archaeological resources on the leased lands. The decision specifically pointed out that he was allowed 30 days from its receipt in which to return the stipulations. The return receipt card in the record shows appellant received this notice March 4, 1980.

On March 10, 1980, appellant responded inquiring as to the effect on this lease of the Secretary's February 29, 1980, suspension of simultaneous leasing on Federal lands, and inquiring whether he must indicate immediately whether he wanted the lease. By letter of March 19, 1980, the BLM specifically responded stating, in pertinent part:

Our Decision dated February 29, 1980 requires you to sign, date, and return stipulations which will be attached to oil and gas lease OR 23095. The requirement for the return of the signed stipulations must be met to retain the priority of your offer. However, during the suspension period, no noncompetitive oil and gas lease will be issued.

Appellant did not again contact BLM until May 17, 1980, indicating his continued interest in receiving the lease and his willingness to sign the stipulations. He did not, however, submit the signed stipulations. BLM subsequently rejected the offer.

In his statement of reasons appellant does not object to the special stipulations, but rather indicates he delayed because of the Secretary's suspension and requests that he now be granted the lease. He states:

The date of the Secretary of the Interior's announced suspension was Feb 29, 1980. There was no indication of how long the suspension would be in effect.

Even if I had accepted the stipulations at that time the lease could not and would not have been issued because of the suspension.

[1] This Board has repeatedly upheld this type of stipulation in similar circumstances. Duncan Miller, 32 IBLA 322 (1977); 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). Appellant was given a reasonable period to execute the stipulations and return them to BLM. He chose not to comply and must suffer the consequences of his delay. See J. Thomas Lewis, 50 IBLA 350 (1980). Although he cites the uncertainty of the effect of the Secretary's temporary suspension order as the reason for his delay, this does not excuse his inaction. BLM adequately explained its effect and the procedure, emphasizing the need for a timely response in the letter of March 10, 1980. He then delayed an additional 60 days without executing the required stipulations. Appellant's failure to sign and return the special stipulations within the original 30 days properly resulted in the rejection of his lease offer.

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.

Anne Poindexter Lewis
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

James L. Burski
Administrative Judge

