

H-3101-1 - ISSUANCE OF LEASES

Reference List of IBLA Decisions Concerning Lease Stipulations

March 24, 1986 - James M. Chudnow (91 IBLA 143)  
Oil and Gas Leases: Stipulations

The Bureau of Land Management is not authorized to reject conditions imposed by the United States Forest Service upon acquired land managed by the Forest Service pursuant to the Mineral Leasing Act for Acquired Lands, 30 U.S.C. 352 (1982). Where an oil and gas lessee objects to provisions of an apparent attempt by the Forest Service to condition the terms of his oil and gas lease on acquired land, agencies of the Department of the Interior may not adjudicate the validity of the challenged conditions.

January 30, 1985 - Beartooth Oil & Gas Co. (85 IBLA 11)  
Oil and Gas Leases: Stipulations

Where an oil and gas lessee does not protest or appeal a stipulations added by BLM to a permit to drill within 30 days after notice thereof, the lessee cannot be heard to complain about the stipulation as long as BLM's interpretation of the stipulation is reasonable. Where the Board determines that the plain language of a stipulation in a permit to drill is clear and unambiguous in its imposition of liability on the operator if a specified archaeological site is altered, BLM must be affirmed in its enforcement of the stipulation.

June 24, 1983 - Gary D. Askins (74 IBLA 12)  
Oil and Gas Leases: Stipulations

Under the Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. 351-359, if the lands embraced within an oil and gas lease application are under surface jurisdiction of a bureau within the Department of the Interior, such as the Bureau of Reclamation, the consent of the Secretary of the Interior or his proper delegate is necessary under the Act for leasing of the land. Where the Bureau of Land Management, based on the recommendation of the Bureau of Reclamation, requires the execution of a stipulation prohibiting all drilling operations on any of the lands described in the lease as a condition to issuance of an oil and gas lease, the record must reflect that such stipulation is supported by valid reasons weighed with due regard for the public interest, including evidence that less stringent alternatives would not adequately accomplish the intended purpose.

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April 4, 1983 - Bill J. Maddox (72 IBLA 22)  
Oil and Gas Leases: Stipulations

The Secretary of the Interior may, in his discretion, condition the issuance of an oil and gas lease upon the acceptance of stipulations reasonably designed to protect environmental and other land use values. Where on appeal evidence suggests that a "no surface occupancy" stipulation has embraced more land than necessary to protect the identified resource values due to BLM's use of full legal subdivisions to describe the land to be so restricted, and that a topographical description might provide the same protection while limiting the restriction to a smaller area, the decision will be set aside and remanded for reconsideration.

February 15, 1983 - Western Interstate Energy, Inc. 71 IBLA 19)  
Oil and Gas Leases: Stipulations

Rejection of an oil and gas lease offer is a more severe measure than the stringent stipulations and the record supporting a decision rejecting a offer in the public interest should ordinarily reflect consideration of whether leasing subject to clear and reasonable stipulations would adequately protect the public interest concerns of the surface management agency.

January 26, 1983 - Fortune Oil Co. 70 IBLA 286)  
Oil and Gas Leases: Stipulations

Where BLM rejects noncompetitive oil and gas lease offers in part and imposes no surface occupancy stipulations on almost all of the remaining lands, covering almost 19,000 acres, and where the record contains nothing explaining BLM's reasons for its decision and no evidence showing that its decision was valid as to the specific lands involved, BLM's decision will be set aside and the matter remanded for further consideration.

January 24, 1983 - James M. Chudnow, John L. Messinger (70 IBLA 225)  
Oil and Gas Leases: Stipulations

The Board of Land Appeals will affirm a decision requiring execution of a no surface occupancy stipulation where the record identifies the resource requiring such protection and explains why less stringent alternatives would be insufficient to provide it. Where the case record does not contain an adequate explanation referable to the specific land included in the lease offer, the record is inadequate for adjudication of the appeal and the case will be remanded to the Bureau of Land Management.

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November 24, 1982 - James M. Chudnow (69 IBLA 16)  
Oil and Gas Leases: Stipulations

Although the Bureau of Land Management may require such stipulations as are necessary for protection of environmental and other land use values, such stipulations must be supported by valid reasons weighed with due regard for the public interest. A decision to impose a no surface occupancy stipulation will be affirmed where the record on appeal indicates that the restriction is based on valid concerns and the applicant fails to show that the restriction is unreasonable.

September 22, 1982 - Altex Oil Corp. (67 IBLA 197)  
Oil and Gas Leases: Stipulations

Applicants for oil and gas leases may be required to accept a stipulation as reasonable and in the public interest and in accord with national and departmental policy, which stipulation requires lessees to engage the services of a qualified professional archaeologist to conduct a survey of the areas to be leased for evidences of archaeological or historic sites or materials with the cost to be borne by the lessees.

August 12, 1982 - Anadarko Production Co. (66 IBLA 174)  
Oil and Gas Leases: Stipulations

Where the notice of a competitive sale of oil and gas leases clearly provided that the leases would be subject to a "No Surface Occupancy" stipulation, by making a bid for the indicated parcel, the bidder was bound to accept the stipulation.

June 30, 1982 - Ted C. Findeiss (65 IBLA 210)  
Oil and Gas Leases: Stipulations

The Secretary of the Interior may require an oil and gas lease applicant to accept stipulations reasonably designed to protect environmental and other land values as a condition precedent to the issuance of a lease. Where the recommendations to impose stipulations on the lease are based on the need to protect bighorn sheep habitat in an area where it is hoped that these animals will be reestablished, the imposition of protective stipulations will be affirmed.

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April 2, 1982 - Marta F. Stroock (63 IBLA 119)  
Oil and Gas Leases: Stipulations

Where separate lease stipulations are proposed by different agencies having management responsibilities for the same land, and their combined effect is to preclude the lessee from operating on any portion of the lease, the case will be remanded for possible modification or substitution to accommodate leasing operations where it appears that neither agency intended that the lessee be barred from surface occupancy of the entire leasehold.

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October 27, 1981 - M. Robert Paqlee (59 IBLA 192)  
Oil and Gas Leases: Stipulations

The Secretary of the Interior may require an oil and gas lease applicant to accept a stipulations reasonably designed to protect a duly established subsurface oil and gas storage area as a condition precedent to the issuance of a lease.

February 27, 1981 - Melvin A. Brown (53 IBLA 45)  
Oil and Gas Leases: Stipulations

The Bureau of Land Management may require execution of a no surface occupancy stipulation prior to issuance of a noncompetitive oil and gas lease only where there is evidence that less stringent alternatives would not adequately accomplish the intended purpose of avoiding erosion and protecting the recreational and scenic value of an area.

August 29, 1980 - James O. Breene, Jr. (49 IBLA 350)  
Oil and Gas Leases: Stipulations

BLM's decision to impose a no surface occupancy stipulation covering a canyon and creek bed on an oil and gas lease will be affirmed where the record shows that these areas have significant aesthetic values, where much of the balance of the leased lands is apparently suitable for drilling, and where the lessee has previously expressed his willingness to accept the lease subject to designation by BLM of "zones of nondisturbance."