

H-3110-1 - NONCOMPETITIVE LEASES

KeywordsII. Lease Offer SizeA. Minimum Lease Offer Size

Where the lands have been surveyed under the rectangular survey system or are within an approved protracted survey, an offer for public domain minerals may not include less than 640 acres or one full section, whichever is larger, in the lower 48 States. In Alaska, offers for public domain minerals may not be less than 2,560 acres or four full contiguous sections, whichever is larger. This minimum lease offer size is required except where the offer includes all available lands within a section and no contiguous lands are available for lease in an adjoining section. Otherwise, the offer must be rejected. (See 43 CFR 3110.3-3(a).)

PUBLIC DOMAIN
MINIMUM
LEASE SIZE

The term "contiguous lands" means two parcels of land within the same section, in adjoining sections, or in adjoining townships having a common boundary. Cornering is not considered to be "contiguous lands" (see Illustration 1).

CONTIGUOUS
LANDS

The leasing regulations provide an exception to the minimum acreage requirement where the offer includes all available lands within the section and no contiguous lands are "available." Two categories of lands are "available," presale-type lands (43 CFR 3110.1(a)(1)) and postsale-type lands (43 CFR 3110.1(b)). The regulations at 43 CFR 3110.1 allow, but do not require, a lease offeror to include presale- and postsale-type lands in the same noncompetitive lease offer. Therefore, any noncompetitive lease offer that contains: (1) the minimum acreage of presale-type lands only; or (2) the minimum acreage of postsale-type lands only; or (3) the minimum acreage with a combination of some presale-type lands and some postsale-type lands, satisfies the minimum acreage requirement of the regulations at 43 CFR 3110.3-3(a). Inclusion of lands from both categories of "available" lands in one lease offer, however, will not necessarily result in issuance of a single lease, as discussed below.

640-ACRE
MINIMUM RULE

PRESALE-TYPE AND
POSTSALE-TYPE
LANDS AVAILABLE

The exception for offers containing less than the minimum acreage shall be applied as follows:

1. If the offer contains all presale-type lands in one full section (four full contiguous sections in Alaska) and no contiguous presale-type lands are available, the offer satisfies the exception even if postsale-type lands are available in the section or are contiguous.

PRESALE
OFFERS

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2. The same applies to an offer containing all postsale-type lands in one full section (four full contiguous sections in Alaska) even if presale-type lands are available in the section or are contiguous; and,

3. If the offer contains all the presale-type and postsale-type lands in one full section (four full contiguous sections in Alaska) and no contiguous lands in either category are available, the offer satisfies the exception.

No minimum lease offer size pertains to an acquired lands minerals noncompetitive oil and gas lease offer.

No minimum size requirement pertains to the filing of a petition for a Class III reinstatement for issuance of a noncompetitive lease for oil and gas covering an abandoned oil placer mining claim under the provisions of 43 CFR 3108.2-4. (See Manual Section 3108.24 and Handbook 3108-1.)

KeywordsPOSTSALE
OFFERSCOMBINED
OFFERS -
PRESALE AND
POSTSALE
LANDSACQUIRED LANDS
MINERALS MINIMUM
LEASE SIZECLASS III LEASE
REINSTATEMENT
MINIMUM SIZE

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KeywordsB. Maximum Lease Configuration Limits

The lands in an offer for public domain minerals shall be entirely within an area of 6 miles square or within an area not exceeding six surveyed sections in length and/or width measured in cardinal directions.

PUBLIC DOMAIN
MAXIMUM LEASE
CONFIGURATION

An offer to lease acquired lands minerals may exceed the 6-mile square limit if: (1) the lands are not surveyed under the rectangular survey system of public land surveys and are not within the area of the public land surveys; and (2) the tract desired is described by the acquisition or tract number assigned by the acquiring agency and less than 50 percent of the tract lies outside the 6-mile square area. More than one tract may be included in the lease offer. However, less than 50 percent of only one tract in the offer may extend outside the 6-mile square area. (See Excelsior Exploration Corp., 91 IBLA 76 (1986).)

ACQUIRED LANDS
MINERALS
MAXIMUM LEASE
CONFIGURATION

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C. Maximum Lease Size

For either public domain or acquired lands minerals, an offer may not include more than 10,240 acres.

If an offer exceeds the 10,240-acre maximum by not more than 160 acres, the offeror shall be granted 30 days from notice, i.e., from receipt of the decision of the excess, to withdraw the excess acreage from the offer, and priority will be retained. The offer must be rejected and priority lost if the excess is not withdrawn (see Illustration 2). If an offer exceeds the 10,240-acre maximum by more than 160 acres, the offer must be rejected. (See 43 CFR 3110.3-3(c).)

KeywordsMAXIMUM LEASE
SIZELEASE OFFER
EXCESS ACREAGE