



DEPARTMENT OF THE INTERIOR

INFORMATION SERVICE

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SECRETARY SEATON LISTS STIPULATIONS FOR OIL, GAS LEASES ON WILDLIFE LANDS

Strong safeguards for wildlife values are contained in new stipulations, approved April 18, providing for orderly development of oil and gas deposits under game range, coordination and Alaska wildlife lands, Secretary of the Interior Fred A. Seaton announced today.

"The United States Fish and Wildlife Service assures me the stipulations will completely protect fish and wildlife, lakes, streams, marshes and other wildlife environment within any wildlife area that may be subject to leasing for oil and gas purposes," Secretary Seaton said. "The Service also informs me that the stipulations provide for every foreseeable contingency in relation to wildlife resources on Federal wildlife lands. The Department's wildlife experts report that new requirements can be imposed in event there arises some situation which has not been foreseen."

The stipulations, which lessees must meet, apply to Alaska wildlife lands, game ranges in the States, and coordination lands.

Secretary Seaton announced in January that the Kenai Moose Range in Alaska, where oil has been discovered, has been classified to delineate the areas opened and closed to development. Preliminary classification now also has been completed for game range lands in Nevada. That report is undergoing review in the Department.

The Fish and Wildlife Service, Bureau of Land Management and Geological Survey have been instructed to proceed as quickly as possible with the classification of other areas, he added.

Federal lands classified as wildlife refuges are closed to oil and gas development, except in instances where the underlying deposits would be endangered by drainage from operations on adjacent lands.

The stipulations and a map of the Kenai delineation will be promptly published in the Federal Register. As soon as this is done the Land Office in Anchorage will make the necessary notations on its records. Lease offers for lands will not be accepted for filing until 10 days after the land records have been so noted.

The Secretary or Under Secretary of the Interior can grant waivers from terms of the stipulations in cases where the lessee can show convincing proof the conditions are unnecessarily burdensome and not necessary to wildlife protection.

Lessees must submit operation plans for approval prior to conduct of geological, geophysical or core drilling operations or construction of any facilities. The plans must show in detail how the lessee will comply with the stipulations.

On October 10, 1957, Secretary Seaton proposed new regulations for oil and gas leasing on wildlife lands. They recognized four separate classes of wildlife lands--refuges, game ranges, Alaska wildlife areas and Federal-State cooperative, or coordination lands. The latter category covered lands made available to the States through joint agreements between the Federal Government and State game commissions.

The regulations were approved with minor technical changes after a two-day public hearing in Washington in December.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 191--GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS,
LEASES AND LICENSES

Section 191.6 is revised as follows:

191.6 Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation, or power site withdrawals or reservations, or Federal wildlife lands. Offerors for non-competitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the lands have been withdrawn for reclamation purposes the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-467 if the land is potentially irrigable, or Form 4-467 (a) if the land is within the flow limits of a reservoir site, or Form 4-467(b) if the land is within the drainage area of a constructed reservoir, or if withdrawn for power purposes, Form 4-1223. Where the lands have been withdrawn as Game Range Lands, Coordination Lands, or Alaska Wildlife Areas, as defined in 192.9 of this Part, the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-1383.^{1/} Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

April 17, 1958

(Sgd) Fred A. Seaton
Secretary of the Interior

^{1/} Stipulation Form 4-1383 can be found in Notice Section

STIPULATIONS

For Inclusion in Oil and Gas Leases Entered Into Pursuant to 43 CFR 192.9
Relating to Oil and Gas Leases in Wildlife Refuge, Game Range, and Coordination
Lands

INSTRUCTIONS

(1) The following stipulations will be made a part of Interior Department Lease Form No. 4-1158 (6th Edition of April 1957) and Lease Form No. 4-1196 (Edition of December 1954), and all revisions thereof and substitutions therefor. These stipulations will be made applicable as terms and conditions of performance by lessees under all oil and gas leases entered into under authority vested in the Secretary of the Interior over game range, coordination or Alaska Wildlife lands pursuant to the order of the Secretary of the Interior published in 23 Federal Register 227, January 11, 1958, 43 CFR 192.9.

(2) Should compliance with one or more of these terms and conditions be considered unduly burdensome and unnecessary to the protection of wildlife resources, the lessee may request waiver thereof by letter addressed to the Secretary of the Interior setting forth, in full, the reasons why a waiver is considered necessary. The authority to grant such waivers shall be discretionary and may be exercised only by the Secretary or the Under Secretary of the Interior.

(3) The authorized officer shall (a) approve no plan of operation that contains provisions inconsistent with the stipulations hereinafter set forth; (b) waive no term or condition in a lease; or (c) exercise no discretion vested in him unless he is satisfied the exercise of that discretion will not damage any wildlife resource.

(4) Drilling and production operations under the lease shall be under the direction of the Geological Survey.

TERMS AND CONDITIONS

(1) As used herein:

(a) the term "lessee" includes the lessee, heirs and assigns of the lessee and persons operating on behalf of the lessee;

(b) the term "wildlife resources" include fish and wildlife resources and concentrations, fish and wildlife management operations and range improvements and facilities;

(c) the term "authorized officer" means the State Supervisor of the Bureau of Land Management in the State in which the land is located, and, in Alaska, the Refuge Manager of the Bureau of Sport Fisheries and Wildlife;

(2) The lessee shall:

(a) comply with all the rules and regulations of the Secretary of the Interior;

(b) prior to the beginning of operations, appoint and maintain at all times during the term of the lease a local agent upon whom may be served written orders or notices respecting matters contained in these stipulations and to inform the authorized officer in writing of the name and address of such agent. If a substitute agent is appointed, the lessee shall immediately inform the said representative;

(c) conduct all authorized activities in a manner satisfactory to the authorized officer with due regard for good land management and avoid damage to improvements, timber, crops, and wildlife cover, and fill all sump holes, ditches, and other excavations or cover all debris, and so far as reasonably possible, restore the surface of the leased lands to their former condition and when required to bury all pipelines below plow depth. The authorized officer shall have the right to enter all the premises at any time to inspect both the installation and operational activities of the lessee;

(d) take such steps as may be necessary to prevent damage to wildlife;

(e) do all in his power to prevent and suppress forest, brush, or grass fires and to require his employees, contractors, subcontractors and employees of contractors or subcontractors to do likewise;

(f) install adequate blow-out prevention equipment;

(g) construct ring dikes and sump pits to confine drilling mud and other pollutants and make safe disposition of salt water by use of injection wells or such other method as may be approved in the plan of operation;

(h) cover flare pits in acres of wildlife concentration;

(i) remove derricks, dikes, equipment, and structures not required in producing operations within 60 days after the completion of drilling;

(j) comply with and see to it that his agents and employees comply with all Federal, State, or territorial laws relating to hunting, fishing, and trapping;

(k) commit the lease to any unit plan required in the interest of conservation of oil or gas resources or for the protection of wildlife;

(l) prior to the conduct of geological, geophysical, or core drilling operations or construction of any facilities, or prior to operations to drill or produce, submit in triplicate for approval in writing by the authorized officer a plan of operation that will include detailed statements indicating the manner in which the lessee will comply with these stipulations together with a statement that the lessee agrees that compliance with these stipulations and with the approved plan of operations are conditions of performance under this lease and that failure to comply with these provisions (unless they are waived by the Secretary or the Under Secretary of the Interior) will be grounds for cancellation of the lease by the United States. Notwithstanding other provisions in these stipulations, the lessee shall include in any plan of operation specific provisions relating to: The time, place, depth and strength of seismographic shots, maps showing the location of his leases included in the plan, actual and proposed access roads, bunkhouses, proposed well locations, storage and utility facilities, water storage, pipelines and pumping stations; the type of safety equipment that will be employed; the methods to be used to assure the disposition of drilling mud, pollutants, and other debris; the location of facilities in relation to flood levels; and such other specific matters as the authorized officer may require. The plan of operation shall be kept current in all respects and all revisions and amendments submitted to the authorized officer for written approval;

(m) do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the land, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this lease causes damage to the watershed or pollution of the water resource, the lessee agrees to repair such damage, including reseeding and to take such corrective measures to prevent further pollution or damage to the watershed as are deemed necessary by the authorized officer;

(n) file the bond required by Sec. 2a(4) of the lease before conducting any operations on the leasehold, and file any additional bond required by the authorized officer to pay for damages to wildlife habitat, including trees and shrubs, or wildlife improvements;

(o) agree to respect and comply with any new requirements imposed by the Secretary of the Interior, or the authorized officer, on the operating program as operating experience proves necessary in order to give complete protection to wildlife populations and wildlife habitat on the areas leased.

(3) The lessee shall not:

(a) construct roads, pipelines, utility lines, and attendant facilities that are either unnecessary or which might interfere with wildlife habitat or resources or with drainage;

(b) modify or change the character of streams, lakes, ponds, water holes, seeps, and marshes, except by advance approval in writing by the authorized officer nor shall he in any way pollute such streams, lakes, ponds, water holes, seeps, or marshes;

(c) conduct operations at such times as will interfere with wildlife concentrations;

(d) conduct geological or geophysical explorations that might damage any wildlife resource and such operations shall be conducted only in accordance with advance approval in writing by the authorized officer as to the time, manner of travel, and disturbances of surfaces and the facilities required for the protection of wildlife;

(e) use explosives in fish spawning or rearing areas, nesting areas, mbing grounds, or other areas of wildlife concentrations during periods of intense activity or at any other time or in any manner that might damage any wildlife resources; the pattern, size, and depth of seismographic shots shall be submitted to the authorized officer for advance approval in writing and immediately following the detonation of any seismographic charge, the hole shall be filled or plugged and any surface damage repaired to the satisfaction of the authorized officer;

(f) without advance approval in writing, use any water or water source controlled or developed by the United States;

(g) use mobile equipment under such conditions as to permanently damage surface resources, cause scarring and erosion, or interfere with wildlife concentrations;

(h) conduct geological, or geophysical, or core drilling operations or construct roads, bunkhouses or any facilities or drill or produce under a lease until the submittal and approval in writing of a plan of operation pursuant to section (2)(m) supra or deviate therefrom until any revisions or amendments of said plan have been approved in writing by the authorized officer.

(i) burn rubbish, trash, or other inflammable materials or use explosives in a manner or at a time that would constitute a fire hazard.

April 17, 1958

(Sgd) Fred A. Seaton
Secretary of the Interior