



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Carlsbad Field Office
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AUG 29 2002

IN REPLY REFER TO:

ATTENTION – PERMITTEES, LESSEES

All existing grazing permits, leases, authorizations; and all mineral leases and rights-of-ways contain a condition that the licensee, permittee or lessee obey ALL Federal, State and local laws. We are receiving reports that some lessees and permittees of public lands within the Carlsbad Field Office are requesting and accepting monetary payment for damages and access to Federal property.

The situation described above violates the following Code of Federal Regulations:

(Title 43 1063) (Obstruction of transit over public lands), 43 CFR 2920.7(e) (Using public lands for purposes other than those specified in the land use authorization), 43 CFR 2920.7(F(1) (Holders of land use authorizations and all owners of interest in, and all affiliates or subsidiaries of, any holder of a land use authorization or their employees, agents or contractors, its employees, or agents shall pay the United States full value for damages to the public lands that they caused, 43 CFR 2801.3(a) (Use of the public lands without authorization), 43 CFR 2920.1-2(e) (Knowingly and willfully using public lands without authorization by lessees), 43 CFR 4140.1(b) (7) (Interfering with lawful uses or users), 43 CFR 8372.0-7(a) (1) (Failure to obtain commercial use permit).

It is unlawful for licensees, permittees, and lessees to request payment for damages or access to public lands. It is also unlawful for licensees, permittees, and lessees to make payment for damages or access to public land.

Licensees, Permittees, and lessees shall not demand, request or accept any payment or other compensation from the oil and gas industry, other mineral permittees, lessees, hunters, fishermen or any other members of the public while they are engaged in legitimate public land uses. In addition, licensees, permittees and lessees will not be compensated for the following:

1. Damage to or loss of natural vegetation or wildlife on public lands.
2. Advertising displays, signs, filming movies, special events, or access across public lands.

Oil Conservation Division
Case No. 5
Exhibit No. 5

3. Soil disturbance or erosion on public lands.
4. Use or sale of minerals, mineral exploration, vegetative material, timber, stone, topsoil, etc.- except as authorized by law on public land.


Willful violations of the above mentioned laws will subject the violator to criminal prosecution including, but not limited to:

1. Fines, court costs and possible incarceration.
2. Forfeiture of all illegal gains received.
3. Lease or permit suspended, revoked or a renewal denied.

Therefore, you are hereby placed on notice that any act that constitutes violation of these regulations will be dealt with immediately in the future.

These conditions are not intended to prevent compensation from being received or charged for lawful damages to private property owned by a permittee, lessee or licensee that is located on public lands.

Sincerely,


for Leslie A. Theiss
Field Manager