



INTERIOR BOARD OF INDIAN APPEALS

Dunlap Oil Co. v. Acting Muskogee Area Director, Bureau of Indian Affairs

33 IBIA 149 (02/03/1999)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DUNLAP OIL CO., : Order Affirming Decision
Appellant :
v. :
ACTING MUSKOGEE AREA DIRECTOR, : Docket No. IBIA 98-93-A
BUREAU OF INDIAN AFFAIRS, :
Appellee : February 3, 1999

Appellant Dunlap Oil Co. seeks review of a March 26, 1998, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs (Area Director; BIA), notifying Appellant that Oil and Gas Lease No. 601-46650 (62687), Mose Daniels, Creek NE, had expired by its own terms for failure to produce in paying quantities. For the reasons discussed below, the Board of Indian Appeals (Board) affirms the Area Director's decision.

The lease at issue here took effect on January 13, 1948, and was in its extended term. The information in the administrative record indicates that there was no production from the lease from October 1997 through April 1998.

Appellant did not file a brief. Therefore, the only arguments Appellant made are those contained in its Notice of Appeal. Appellant states that it had two reasons for not producing the lease: (1) poor weather prevented the repair of lease roads which were severely damaged by the operator of another lease who used the roads without authorization; and (2) it believed it had a year in which to put the lease back into production, as with leases governed by Oklahoma State law.

Appellant admits that it did not produce the lease. Appellant was responsible for familiarizing itself with the law governing its operations on restricted lands. See, e.g., Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Pacific Enterprises Oil Company (USA) v. Muskogee Area Director, 27 IBIA 40 (1994). The fact that Appellant was unaware of the requirements regarding production of leases on restricted land does not excuse the failure to produce.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Muskogee Area Director's March 26, 1998, decision is affirmed.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge