

NOTE: This disposition is nonprecedential.



United States Department of the Interior
Office of Hearings and Appeals

Interior Board of Land Appeals

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January 5, 2016

IBLA 2001-125

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NMLC 71868

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MISSISSIPPI POTASH, INC .

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Potassium Lease

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Motion to Dismiss Granted;

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Appeal Dismissed

ORDER

On December 4, 2000, Mississippi Potash, Inc. (MPI) filed a notice of appeal from an October 31, 2000, Decision issued by the Carlsbad Field Office (New Mexico), Bureau of Land Management (BLM). BLM determined MPI had engaged in unauthorized dumping of solid waste and hazardous materials on public lands and found that MPI's mining activity had destroyed archaeological sites located within the boundaries of MPI's Federal potassium lease. BLM required MPI to remove all solid waste and hazardous materials, reclaim the disturbed areas, and complete an archeological damage assessment.

This appeal has been on the Board's inactive docket for almost 16 years while the parties attempted to settle the matter.

On December 21, 2015, BLM and Intrepid Potash-New Mexico, LLC, which is MPI's successor in interest, filed with the Board a Joint Motion to Dismiss (Motion). Therein, the parties state they have entered into an agreement to settle the appeal. Consequently, they seek an Order dismissing the appeal from the Board's docket. Based on the parties' representations, we grant the Motion. 43 C.F.R. § 4.407(c).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the parties' Joint Motion to Dismiss the appeal is granted and the appeal is dismissed.

/s/

Eileen G. Jones

Chief Administrative Judge

I concur:

_____/s/
James K. Jackson
Administrative Judge