



NOTE: This disposition is nonprecedential.

United States Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy St., Suite 300  
Arlington, VA 22203

703-235-3750

703-235-8349 (fax)

February 8, 2016

IBLA 2015-46 ) COC-67379, *et al.*  
 )  
BUCK PEAK, LLC ) Oil and Gas  
 )  
 ) Motion to Dismiss Granted;  
 ) Appeal Dismissed

ORDER

On November 10, 2014, appellant filed a notice of appeal (NOA) from a September 9, 2014, decision of the Colorado State Office, Bureau of Land Management (BLM). In that decision, BLM denied appellant's request for Transfer of Operating Rights from Peakview Oil Company, LLC (the lessee) to appellant (the operator), for Federal oil and gas leases COC67379 and COC76167. BLM denied the transfer because the leases allegedly expired on June 30, 2014. The leases expired because, by decision dated June 26, 2014, BLM's Little Snake Field Office (LSFO) denied appellant's suspension request for those leases. Appellant appealed the LSFO's decision to the State Director (SDR CO-14-18). At the time appellant filed its NOA, the State Director had not issued a decision in SDR CO-14-18.

Before appellant was required to file a statement of reasons (SOR) in support of its appeal, the Board suspended the matter and tolled all filing deadlines until after the State Director issued its decision in SDR CO-14-18. Once the State Director issued its decision in SDR CO 14-18, wherein it upheld the denial of the suspensions, the Board placed the matter back on its active docket and ordered appellant to file an SOR by December 3, 2015. To date, appellant has not filed an SOR and has not presented any explanation for its failure to do so.

On December 22, 2015, counsel for BLM filed a motion to dismiss (Motion). Therein, counsel requests the Board to summarily dismiss the appeal, as authorized by 43 C.F.R. § 4.402, because appellant has not filed an SOR in support of its appeal. Appellant did not respond to the Motion. 43 C.F.R. §§ 4.22(e), 4.401(a), 4.407(b).

BLM's Motion is granted and appellant's appeal is dismissed. 43 C.F.R. § 4.407(c). An appellant is obligated to affirmatively point out error in the decision it appeals. *In Re North Trail Timber Sale*, 169 IBLA 258, 261 (2006), and cases cited. Failure to do so within the time required by regulation subjects the appeal to summary dismissal. See 43 C.F.R. §§ 4.402 and 4.412(c). Because appellant has made no assertions of agency error, we have no bases upon which to review the propriety of BLM's decision.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, BLM's motion to dismiss is granted and the appeal is dismissed.

\_\_\_\_\_  
/s/

Eileen G. Jones  
Chief Administrative Judge

I concur:

\_\_\_\_\_  
/s/

James F. Roberts  
Deputy Chief Administrative Judge