

NOTE: This disposition is nonprecedential.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 10, 2016

IBLA 2016-62)	AA050887
)	
STATE OF ALASKA, DEPARTMENT)	Oil and Gas
OF NATURAL RESOURCES)	
)	Motion to Remand Granted;
)	Case Remanded for Referral to the
)	Alaska State Director; Appeal
)	Dismissed

ORDER

On December 17, 2015, appellant appealed from a November 18, 2015, Decision issued by the Bureau of Land Management's (BLM) (Alaska State Office) Energy and Minerals Branch. In the decision, BLM decided to terminate its administrative responsibilities for the Sterling oil and gas unit. Citing to 43 C.F.R. Part 3180, "Onshore Oil and Gas Unit Agreements: Unproven Areas," BLM stated the Federal mineral interest in that unit no longer amounts to 10 percent or more of the unit's entire mineral estate and therefore BLM transferred the administration of the unit to the State of Alaska.

BLM transmitted to the Board the administrative record and a copy of appellant's notice of appeal on January 11, 2016, and we docketed the matter accordingly. Appellant filed a statement of reasons in support of its appeal on January 20, 2016. BLM requested, and received, an extension of time until March 17, 2016, to file an answer.

On February 8, 2016, counsel for BLM filed a Motion to Remand to BLM for State Director Review (Motion). Counsel states that the State Director, not the Board, has jurisdiction over appellant's appeal. In support of the Motion, counsel cites to the regulation at 43 C.F.R. § 3185.1, which provides that "[a]ny party adversely affected by an instruction, order, or decision issued under the regulations in this part [43 C.F.R. Part 3180] may request an administrative review before the State Director under § 3165.3 of this title." The State Director's decision may then be appealed to the Board. *Id.*; see 43 C.F.R. § 3165.4. Based on 43 C.F.R. § 3185.1,

counsel moves the Board to remand this matter to BLM for referral to the State Director. Counsel also indicates that appellant does not oppose the Motion.

An appeal directly to the Board of a decision issued pursuant to 43 C.F.R. Part 3180 is properly dismissed. *See, e.g., Gene R. Hilton*, 183 IBLA 270, 272 (2013); *see also* 58 Fed. Reg. 58630, 58631-32 (Nov. 2, 1993) (declaring a party that wishes to appeal a decision authorized by 43 C.F.R. Part 3180 must seek State Director Review). Because appellant has not filed a request for State Director Review, its appeal to the Board is premature and must be dismissed. BLM's Motion is granted. 43 C.F.R. § 4.407(c).

Accordingly, 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 Remand to BLM for State Director Review is granted and the matter is dismissed from the Board's docket.

/s/
Eileen G. Jones
Chief Administrative Judge

I concur:

/s/
James F. Roberts
Deputy Chief Administrative Judge