NOTE: This disposition is nonprecedential.

EMAILED

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
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March 11, 2016

IBLA 2016-91 & 92	)	CACA-55689; CACA-55697
	)	
MATCON CORPORATION	)	Right-of-Way
	)	
	)	Appeals Consolidated;
	)	Motions to Vacate Decisions and
	)	Remand Granted; Appeals Dismissed

ORDER

MATCON Corporation (appellant) appeals from and petitions to stay the effect of Bills for Collection, dated February 1, 2016, for right-of-way (ROW) rental fees, issued by the Barstow (California) Field Office, Bureau of Land Management (BLM). Appellant filed two Notices of Appeal (Notices of Appeal), which include Statements of Reasons and Petitions for Stay on February 10, 2016, from Bills for Collection numbered 2016013794 and 2016013798, by which BLM demanded $5,343.11 and $4,686.17, respectively. Because these appeals, docketed as IBLA 2016-91 and IBLA 2016-92, share similar factual and legal issues, the Board consolidates them. *See* 43 C.F.R. § 4.404 (consolidation regulation).

In its Appeals, appellant (1) requests State Director Review, in accordance with 43 C.F.R. § 2806.15(c), to rescind, reduce or waive Appellant's ROW rental fees, on the basis it will cause appellant undue hardship and is in the public interest to waive or reduce the rent; (2) appeals to the Board the reclassification of the ROW rental classification zone, which affects rental fee amounts, and; (3) petitions the Board for stays from the ROW rental fee increases, as well as from any annual rental rate increases pending the appeal.

By motions filed March 7, 2016, BLM asked the Board to vacate the decisions on appeal, Bills for Collection numbered 2016013794 and 2016013798, respectively, and remand the matters to BLM. In each pleading, BLM states it

> requests that the Board take this action because upon review of the case file, it was discovered that the Bill for Collection did not accurately

> reflect the number of acres in the appellant's [ROW] grant. For this reason, the BLM requests that the Board vacate the bill at issue in this appeal and remand the matter back to the agency so that it can issue a corrected bill.

BLM's Requests to Vacate and Remand, filed March 7, 2016, at 1. For good cause shown, the Board grants the motions.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board consolidates the appeals, grants BLM's motions, vacates the decisions on appeal, and remands the consolidated matter back to BLM for further action. The appeals are dismissed from the Board's docket.

/s/
Christina S. Kalavritinos
Administrative Judge

I concur:

/s/
James F. Roberts
Deputy Chief Administrative Judge