



NOTE: This disposition is nonprecedential.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)

June 20, 2016

IBLA 2016-130)	OCS-G 7561
)	
FW GOM PIPELINE, INC.)	Offshore Supplemental Bonding
)	
)	Motion to Withdraw Appeal Denied;
)	Case Remanded <i>Sua Sponte</i> ;
)	Appeal Dismissed

ORDER

Appellant appealed from a January 28, 2016, Order issued by the Bureau of Ocean Energy Management (BOEM). BOEM required appellant to submit supplemental bonding to cover the obligatory costs of decommissioning and other activities associated with appellant's offshore pipeline right-of-way. Since then, this matter has been temporarily suspended from the Board's active docket to facilitate the parties' settlement discussions.

Before the temporary suspension expired, appellant filed a Motion to Withdraw Appeal. Appellant seeks to withdraw its appeal because "BOEM has rescinded the Order underlying this appeal."¹ The agency did not respond to appellant's Motion.²

Since jurisdiction over the appealed Order still lies with the Board, BOEM has no authority to take any action concerning the Order until the Board restores jurisdiction back to the agency.³ We therefore deny Appellant's Motion because the Order on appeal still remains in effect.⁴

BOEM's attempt to rescind its Order at issue in this appeal makes it apparent that the agency no longer endorses its Order and seeks to withdraw it. Therefore, we

¹ Motion at 1.

² See 43 C.F.R. § 4.407(b).

³ See *PacifiCorp.*, 187 IBLA 245, 249 (2016).

⁴ See 43 C.F.R. § 4.407(c).

need not wait for the agency's motion for remand, but instead, remand *sua sponte* the matter back to BOEM for further action.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,⁵ we remand the matter back to the agency for further action and dismiss this appeal from our docket.

_____/s/_____
Eileen G. Jones
Chief Administrative Judge

I concur:

_____/s/_____
James F. Roberts
Deputy Chief Administrative Judge

⁵ 43 C.F.R. § 4.1.