

EMAILED

CERTIFIED

NOTE: This disposition is nonprecedential.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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September 16, 2016

IBLA 2016-230)	
)	
CONCHO RESOURCES, INC. <i>ET AL.</i>)	Potash Preference Right Leases
)	
)	Appeal Dismissed; Motion to
)	Intervene Denied as Moot; Motion to
)	Consolidate Denied as Moot;
)	Extension of Time Request Denied as
)	Moot

ORDER

Appellants have appealed from, and petitioned to stay the effect of, the Bureau of Land Management’s (BLM) March 2016 decision to issue 52 potash preference right leases (PRLs) to the Intercontinental Potash Corporation (USA) (ICP). The Board docketed the appeal as IBLA 2016-186. We granted appellants’ stay petition by Order dated June 30, 2016.

Shortly after issuing our June 30, 2016, Order in IBLA 2016-186, the Board received from appellants a second notice of appeal. In their notice of appeal, appellants explain that they appeal from BLM’s “apparent June 13, 2016 ‘denial’” of appellants’ August 13, 2015, protest. In that protest, appellants opposed BLM’s proposed issuance of the same PRLs at issue in the IBLA 2016-186 appeal.¹ The purported protest denial is located in counsel for BLM’s response to appellants’ stay petition filed in IBLA 2016-186. According to appellants, counsel for BLM made “certain statements regarding [appellants’] Protest, but it remains unclear whether . . . the BLM has actually adjudicated and issued a decision on the [appellants’] Protest”²

¹ Notice of Appeal at 2.

² *Id.*

Appellants have requested an extension of time to file a statement of reasons in support of this appeal. ICP has filed a motion to intervene in this appeal and has also moved the Board to consolidate this appeal with IBLA 2016-186.

Appellants' Appeal is Dismissed for Lack of Jurisdiction

Statements in a pleading filed with this Board do not constitute a “decision of the Bureau.” Under 43 C.F.R. § 4.410(a), the Board’s jurisdiction is restricted to resolving an appeal from “a decision of the Bureau.” Because appellants have not appealed a decision, we dismiss this appeal. Any concerns appellants raised in its protest are properly justiciable by the Board in IBLA 2016-186.³

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,⁴ we dismiss appellants’ appeal and deny as moot all pending motions.

/s/
Eileen G. Jones
Chief Administrative Judge

I concur:

/s/
Amy B. Sosin
Administrative Judge

³ See 43 C.F.R. § 4.410(c)

⁴ 43 C.F.R. § 4.1.