

JEWELL S. LOYD

IBLA 72-251

Decided February 14, 1972

Appeal from decision C 13905 of the Colorado state office, Bureau of Land Management, rejecting petition-application for public sale of isolated tracts.

Decision vacated; appeal dismissed; case remanded.

Rules of Practice: Appeals: Dismissal

Where the State Director, Bureau of Land Management, reports that his decision was premised upon an erroneous report and requests return of the case for further consideration, and the Board determines that no interest of the United States will be prejudiced thereby, the decision appealed from will be vacated, the appeal dismissed and the case remanded for further appropriate action.

APPEARANCES: Mrs. Jewell Loyd, pro se.

OPINION BY MR. HENRIQUES

Mrs. Jewell Loyd has appealed from a decision of the Colorado state director, Bureau of Land Management, which rejected her petition-application C 13905 for public sale of 400 acres of public lands in sections 13, 23 and 24, T. 36 N., R. 15 W., N.M.P.M., Colorado. The decision stated that the Geological Survey had reported that the land may contain coal recoverable by strip mining methods and that disposal of the surface would interfere with mining operations under a coal lease.

By memorandum dated January 21, 1972, the state director has informed this Board that the Geological Survey, in a supplemental report dated January 18, 1972, now recommends rejection of the application only as to the single parcel, NW 1/4 SW 1/4 section 13, T. 36 N., R. 15 W. The state director requested that the case file be returned for his further consideration as to the remaining 360 acres in sections 23 and 24, T. 36 N., R. 15 W.

It appears that no interest of the United States will be prejudiced by vacating the decision appealed from and remanding the case for appropriate action.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision of the state director is vacated, the appeal dismissed and the case remanded to the Bureau of Land Management for further appropriate action.

Douglas E. Henriques, Member

We concur:

Edward W. Stuebing, Member

Anne Poindexter Lewis, Member

