

GILBERT COPPER AND CHRIS PALZER  
FAIRBANKS EXCAVATING AND TRUCKING COMPANY  
AND CHRIS PALZER

IBLA 70-387, 70-538

Decided October 3, 1972

Appeals from decisions by Alaska state office, Bureau of Land Management, rejecting oil and gas lease offers.

Affirmed.

Oil and Gas Leases: Applications: Description--Oil and Gas Leases: Description of Land

An oil and gas lease offer describing lands in Alaska by section numbers is properly rejected where the designated sections do not appear on the official protraction diagrams.

Oil and Gas Leases: Applications: Description--Oil and Gas Leases: Description of Land--Oil and Gas Leases: Lands Subject to

An oil and gas lease offer describing land in Alaska by block number, township and range is properly rejected where the designated block does not appear on the official protraction diagram, and where the land within the township, which would normally have been designated by the leasing block number described in the offer, lies within the Arctic National Wildlife Range and has not been approved for leasing by the Secretary of the Interior.

APPEARANCES: William B. Murray, Esq., for appellants.

OPINION BY MRS. LEWIS

These are separate appeals 1/ by Gilbert Copper and Chris Palzer, and by Fairbanks Excavating and Trucking Company and Chris Palzer from decisions by the Alaska state office rejecting

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1/ We hereby consolidate the two cases for purposes of decision.

their oil and gas lease offers F 12279 and F 12206 respectively, filed under the Mineral Leasing Act of 1920, as amended. 30 U.S.C. § 181 et seq. (1970).

The offer of Gilbert Copper and Chris Palzer was rejected for the reason that it describes no lands but rather designates sections which do not appear on the official protraction diagrams. In their appeal, the appellants contend that their description is sufficient to identify the lands. We cannot agree that they identify Federal lands available for leasing. None of the sections named in the offer appears, as such, on any approved protraction diagram. The rejection of the offer by the decision below was proper.

The Fairbanks and Chris Palzer offer was rejected because it does not contain a legal description sufficient to identify the lands, as the offer described block 8, T. 3 N., R. 24 E., U.M., and the official protraction diagram designated none of the lands in the township as block 8. The decision further stated:

Assuming that the lands in sections 27, 28, 33 and 34 could be described as block 8, 2/ as a large portion of Umiat Meridian is protracted in blocks, the offer would still have to be rejected as the area lies entirely within the Arctic National Wildlife Range which was established by PLO 2214, 25 F.R. 12598 (December 9, 1960). Oil and gas lease offers within the Arctic National Wildlife Range are unacceptable, until the area to be leased has been approved by the Secretary of the Interior, and notice of filing of simultaneous lease offers for available lands in the Wildlife Range has been published in the Federal Register. 3/

In their appeal, Fairbanks Trucking and Palzer contend that the land was not withdrawn by E.O. No. 3797-A, of February 27, 1923, which established Naval Petroleum Reserve No. 4. The rejection of this offer was not premised upon the land being within the Naval Petroleum Reserve. Reference to Naval Petroleum Reserve No. 4 by appellants is not germane to the issues before us. Appellants have not shown any error in the land office decision that the land description in the offer was deficient, nor in the holding that the land was within the Arctic National Wildlife Range. We find no error in that decision.

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2/ In the course of designating leasing blocks on protraction survey diagrams in Alaska, sections 27, 28, 33, and 34 of a given township would normally be designed as block 8.

3/ See 43 CFR § 3120.3-3(c) (1970), now 43 CFR 3101.3-2(a) and (b) (1972).

Appellants filed motions with this Board for a hearing and certain pretrial procedures, but have given no reasons to warrant an evidentiary hearing. As the record contains all information necessary for the legal determination made herein, no useful purpose would be served by a hearing. Accordingly, the motions are denied. Starling Brokers et al., 6 IBLA 237 (1972); Chris Palzer et al., 6 IBLA 248 (1972).

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 decisions below are affirmed.

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Anne Poindexter Lewis, Member

We concur:

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Douglas E. Henriques, Member

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Joan B. Thompson, Member

