

THOMAS A. REEDER, ET AL.

IBLA 72-330

Decided January 12, 1973

Appeal from a decision of the Anchorage State Office rejecting offers for oil and gas leases on lands included within Naval Petroleum Reserve No. 4.

Affirmed.

Oil and Gas Leases: Lands Subject To

Oil and gas leasing of lands within Naval Petroleum Reserve No. 4 is an activity under the sole jurisdiction of the Department of the Navy.

Administrative Procedure Act: Hearings—Rules of Practice: Appeals: Hearings

A request for a hearing in connection with an appeal will not be granted where undisputed facts are of record, and the determination rests on legal conclusions based on such facts.

APPEARANCES: Bertil A. Granberg, Esq., Webster, Kroum, McCann, Granberg, Bass and Mack, Seattle, Washington, for appellants.

OPINION BY MR. STUEBING

This is an appeal by Mr. Thomas A. Reeder, et al. from a decision of the Alaska State Office, dated February 4, 1972, rejecting their offers to lease lands entirely within the exterior boundaries of the Naval Petroleum Reserve No. 4, which was established by Executive Order No. 3797-A, dated February 28, 1923. The offers to lease are designated F-14753, F-14818, and F-14819. Rejection of the offers is based upon a finding that the lands covered by the offers are entirely within the exterior boundaries of Naval Petroleum Reserve No. 4, which is under the exclusive jurisdiction of the Department of the Navy in matters concerning the leasing of oil and gas. 70 Stat. 457-462 as amended, 10 U.S.C. §§ 7421-7438 (1970). Therefore, the Secretary of the Interior does not have authority to issue oil and gas leases for the lands, nor are the lands available under the Mineral Leasing Act of February 25, 1920, 30 U.S.C. 181 et seq. (1970), pursuant to which these offers were made.

In their statement of reasons in support of appeal, appellants list the following contentions:

- (a) The land applied for was not withdrawn by Executive Order No. 3797-A, of February 28, 1923.
- (b) Exclusive jurisdiction over the oil and gas deposits in the land applied for is not vested in the Department of the Navy by the Act of August 10, 1956 (70 Stat. 457-462; 10 U.S.C. 7421-7438). The Department of the Navy does not have exclusive jurisdiction or any jurisdiction over the lands applied for.
- (c) The Secretary of Interior has the duty and authority to issue an oil and gas lease to appellant's with respect to the land applied for, under the provisions of the Minerals Leasing Act of Feb 25, 1920 (41 Stat. 437, 30 U.S.C. Sec. 181. as amended).
- (d) The appellants demand a hearing on the issues listed herein as commanded by the Administrative Procedures [sic] Act. of 5 U.S.C. Sec. 702-706.

We agree with the State Office that the lands here in question are within the area of the Naval Petroleum Reserve No. 4, and that the Act of August 10, 1956, 70 Stat. 457-462, as amended, 10 U.S.C. §§ 7421-7438 (1970)), vested jurisdiction over the lands solely with the Department of the Navy. Therefore, the Secretary of the Interior has no authority to issue oil and gas leases for this area. Starling Brokers, et al., 6 IBLA 237 (1972).

Concerning appellants' request, a hearing will not be granted where undisputed facts are of record, and the determination rests on legal conclusions based on such facts. Starling Brokers, supra.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

---

Edward W. Stuebing, Member

---

Douglas E. Henriques, Member

---

Newton Frishberg, Chairman

