

KENNETH E. SITES  
AND  
C. BURGLIN

IBLA 73-345

Decided October 24, 1973

Appeals from decisions of the Alaska State Office, Bureau of Land Management, dated March 15, 1973, rejecting oil and gas lease offers F-6066 and F-6067.

Affirmed.

Oil and Gas Leases: Applications: Generally! ! Oil and Gas Leases:  
First Qualified Applicant

Oil and gas lease offers must be considered incomplete when each offer shows on its face that there are two offerors with 20 percent and 80 percent interests respectively, but one of the offerors cannot be identified from the face of the offer form because his name is represented only by an illegible signature. An offeror whose identity cannot be established from the face of the offer cannot be regarded as the first qualified applicant for a lease, and such an offer has no priority from the time of its filing. However, the offers may be considered as being cured and having priority from the time that a supplemental statement is submitted, signed by the offeror and the other interested party, properly identifying him.

Oil and Gas Leases: Lands Subject to! ! Withdrawals and  
Reservations: Effect of

Lands withdrawn from all forms of appropriation under the public  
land laws, including the mining and mineral leasing

laws, pursuant to the Alaska Native Claims Settlement Act are not available for leasing and an oil and gas lease offer for such land is properly rejected.

APPEARANCES: Kenneth E. Sites and C. Burglin, pro sese.

OPINION BY MR. HENRIQUES

Kenneth E. Sites and C. Burglin have appealed from a decision of the Alaska State Office, Bureau of Land Management, dated March 15, 1973, rejecting oil and gas lease offers F-6066 and F-6067. Each of the lease offers was signed by Sites and by another party whose signature was illegible. (The second party was later identified as Burglin.) After Sites' signature was the notation "80 percent," and the illegible signature was followed by the notation "20 percent."

The Department has held repeatedly that if the identity of one of the parties in interest is not provided on the face of oil and gas lease offers, the offers are incomplete and subject to rejection. James D. Johnson, 8 IBLA 348 (1972); R. C. Bailey, 7 IBLA 266 (1972). <sup>1/</sup> An offeror who cannot be identified cannot be regarded as the first qualified applicant within the meaning of 30 U.S.C. § 226(c) (1970). Id. Such an offer receives no priority until the deficiencies are cured by subsequent submission of the required information. M. R. Carpenter, 9 IBLA 380 (1973); William D. Sexton, 9 IBLA 316 (1973); A. M. Shaffer, 73 I.D. 293 (1966). In this case the record shows that the defective application was first filed in September of 1968. A supplemental statement properly identifying Burglin as the co! offeror was not submitted until September 17, 1971.

Thus, these offers cannot be considered as properly filed until they were completed on September 17, 1971. Id. By this time, however, all unreserved public lands in Alaska had been withdrawn from all forms of appropriation and disposition under the public land laws by Public Land Order 4582, dated January 17, 1969.

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<sup>1/</sup> Litigation seeking judicial review of this holding is presently before the United States District Court for the District of Alaska sub nom. C. Burglin and R. C. Bailey v. United States et al., Civil Action No. F 15 73.

Although this order was revoked by the Alaska Native Claims Settlement Act of 1971 (Pub. L. 92-203; 85 Stat. 688), Section 17 of the Act continued the withdrawn status of the lands for a period of 90 days from the date of enactment of the statute until March 17, 1972. Then, on March 2, 1972, Public Land Order 5179 further withdrew the lands covered by the appellant's lease offers for possible addition to the national forest, wildlife refuge and wild and scenic rivers system in Alaska. P.L.O. 5179 is still in effect.

Thus, these lands have remained continuously withdrawn since January 17, 1969. As such they are not open to oil and gas lease offers filed after that date. Since the appellants' offers cannot be considered to have been filed until September 17, 1971, some 21 months after the lands were initially withdrawn, the offers must be rejected. William D. Sexton, supra; James D. Johnson, supra.

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

Douglas E. Henriques  
Member

We concur:

Joan B. Thompson  
Member

Frederick Fishman  
Member

