

BEARD OIL COMPANY

IBLA 74-37

Decided March 18, 1974

Appeal from the June 13, 1973, decision of the Eastern States Land Office, Bureau of Land Management, rejecting oil and gas lease offers for acquired lands under the jurisdiction of the United States Army Corps of Engineers.

Affirmed.

Acquired Lands--Minerals Leasing Act for Acquired Lands: Lands
Subject to--Oil and Gas Leases: Applications

No oil and gas lease of acquired lands which are under the jurisdiction of another agency may issue without the express consent of that agency.

APPEARANCES: C. S. Dodson, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The Beard Oil Company has appealed from the June 13, 1973, decision of the Eastern States Land Office, Bureau of Land Management, rejecting its oil and gas lease offers 1/ for certain acquired lands in Mississippi under the control of the United States Army Corps of Engineers.

The Acquired Lands Mineral Leasing Act of August 7, 1947, 30 U.S.C. § 352 (1970), expressly provides that no mineral deposit in such lands shall be leased except with the consent of the head of the executive department having jurisdiction over the lands.

Since the Army has refused to give its consent to the leasing of any of those lands, the Secretary of the Interior is without authority to issue leases thereto. Mobil Oil Corp., 10 IBLA 7 (1973), Duncan Miller, 6 IBLA 216, 79 I.D. 416 (1972).

1/ Rejection of the following lease offers is being appealed: ES 11881, 11883, 11888, 11891, 11893, 11894, 11895, 11896, 11897, 11898, 11899, 11900, 11902, 11904, 11906.

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
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Joseph W. Goss
Administrative Judge

