

RELIABLE COAL & MINING CO.

IBLA 75-37

Decided January 13, 1975

Appeal from decision of Montana State Office, Bureau of Land Management, rejecting application for coal lease M 11210.

Affirmed.

1. Coal Leases and Permits: Applications

Where a company requesting the Bureau of Land Management to offer coal lands for lease by competitive bidding fails to furnish the information requested by BLM so that it is impossible to determine if the Department's criteria for issuance of coal leases has been satisfied, the request for competitive lease offering will be denied.

APPEARANCES: Harrison Eiteljorg, Chairman of the Board, Reliable Coal & Mining Co.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Reliable Coal & Mining Co. appeals from the June 4, 1974, decision of the Montana State Office, Bureau of Land Management (BLM), which rejected appellant's request to have several parcels of land located in T. 8 N., R. 31 E., MPM, Mussellshell County, Montana, 1/ offered for competitive coal leasing.

In a letter received by the BLM on December 12, 1968, appellant requested that the lands be leased by competitive bidding. The BLM referred the request to the Geological Survey for its consideration. The report of the Geological Survey ultimately recommended that the lands be leased. However, on February 17, 1973,

1/ Appellant's initial lease request contained substantially more acreage, but appellant has withdrawn its request to lease all but two parcels located in sections 22 and 28.

the Secretary of the Interior promulgated short-term guidelines providing for the leasing of coal deposits pending the development of a comprehensive plan for the orderly development of coal deposits on the public lands. Those guidelines were supplemented with more specific criteria by memorandum of the Director of the BLM on June 6, 1973.

Under the Secretary's policy, coal leases will be issued only under these conditions:

When coal is needed now to maintain an existing operation, or

When coal is needed as a reserve for production in the very near future, and

When adequate provision has been made for environmental protection and land reclamation of the land to be mined, and

When an environmental impact statement has been prepared under National Environmental Policy Act.

In September 1973, the BLM sent a letter to appellant requiring additional information in order to determine whether the new criteria are satisfied in this instance. Appellant responded with a letter generally asserting a desire to lease the lands for coal but without replying specifically to any of the BLM's questions. The BLM rejected the application because the information which the applicant did supply did not meet the Secretary's criteria.

On appeal to this Board appellant reiterates its desire to obtain a lease on the lands in question. While some additional information has been supplied in appellant's statement of reasons for appeal, it is still not responsive to the questions asked by the BLM.

[1] Pursuant to Section 2 of the Mineral Leasing Act of 1920, 30 U.S.C. § 201(a) (1970), the Secretary of the Interior has complete discretion in determining whether to lease coal deposits on the public lands, either on his own motion or upon the request of any qualified applicant. If applicants fail to demonstrate that they possess the requisite qualifications to meet the Secretary's criteria for leasing, their applications will be rejected.

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:

Newton Frishberg
Chief Administrative Judge

Joan B. Thompson
Administrative Judge

