

DUNCAN MILLER

IBLA 75-512

Decided June 16, 1975

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W-50053.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Lands Subject to -- Oil and Gas Leases: Noncompetitive Leases

An oil and gas lease application covering lands in an outstanding lease, whether that lease is valid, void or voidable, must be rejected. A noncompetitive oil and gas lease offer covering lands in a known geologic structure must be rejected, such lands being subject to lease only by competitive bidding.

2. Rules of Practice: Appeals: Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

This is an appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting Duncan Miller's noncompetitive oil and gas lease offer W-50053. The decision recited that the lands applied for are embraced in lease W-0307188, issued effective

May 1, 1964, and extended to April 30, 1976, by reason of drilling. The record also reflects that a portion of the land in the outstanding lease and under application by Miller now is reported to be in a known geologic structure (KGS).

[1] As a first reason for appeal, Miller states:

The offeror filed this offer as a trustee for the United States of America. (It is noted that many trustee applications are being filed, which it is felt are very questionable.)

This statement is self-defeating. Since Miller seems to state that his application is as trustee, which fact he did not disclose in the application, the application must be rejected for that reason alone. 43 CFR 3102.5.

As a further reason for appeal, Miller states:

* * * it is believed that the lease -- No. W-0307188 -- expired by operation of law.

It is purportedly extended because of the BLUE GAP UNIT II: however, there are questions regarding the legality of this unit.

Thus, Miller admits knowledge that the lands applied for are within an outstanding lease. He has been informed that lands in an outstanding lease, whether that lease is void, voidable or valid, are not available for leasing. Duncan Miller, 15 IBLA 275 (1974).

And if the prior lease is terminated or canceled, the lands may be leased only in accordance with the simultaneous filing provisions; an offer not in conformity with such provisions must be rejected. Duncan Miller, 20 IBLA 19 (1975). But lands in a KGS may only be leased competitively. 43 CFR 3101.1-1; Duncan Miller, 2 IBLA 254 (1971).

[2] Furthermore, Miller failed to point to any error in the decision below. He has been informed that an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed. Duncan Miller, 20 IBLA 19 (1975).

As was said in Duncan Miller, 7 IBLA 169 (1972):

This appeal is clearly specious and totally undeserving of the attention which must necessarily be accorded it.

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

Frederick Fishman
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

