

JOHN F. BROWN

IBLA 75-529

Decided September 16, 1975

Appeal from decision of the Eastern States Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer ES 13269.

Affirmed.

1. Oil and Gas Leases: Applications: Description -- Oil and Gas Leases: Applications: 640-Acre Limitation

No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation, or where the land is surrounded by lands not available for leasing, and where these circumstances do not exist, an offer for less than 640 acres must be rejected.

APPEARANCES: John F. Brown, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

John F. Brown appeals from a March 27, 1975, decision of the Eastern States Office, Bureau of Land Management, rejecting his noncompetitive oil and gas lease offer ES 13269 because the offer requested less than 640 acres although contiguous lands were available for leasing. Brown's offer, dated January 10, 1974, covered only a total of 160 acres.

[1] The decision below correctly cited 43 CFR 3110.1-3(a) which provides, inter alia:

* * * No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan which has been approved as to form by the Director of the Geological Survey, or where the land is surrounded by lands not available for leasing under the act.

Where the lands are not in an approved unit and where surrounding lands are available for leasing, an offer for less than 640 acres must be rejected. Duncan Miller, 7 IBLA 169 (1972); Annie Dell Wheatley, 62 I.D. 292 (1955). Cf. Natalie Z. Shell, 62 I.D. 417 (1955).

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.

Anne Poindexter Lewis
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Martin Ritvo
Administrative Judge

