

ROBERT S. BICKEL

IBLA 76-568

Decided July 6, 1977

Appeal from decision of Utah State Office, Bureau of Land Management, rejecting appellant's over-the-counter oil and gas lease offer U-32394.

Affirmed.

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

43 CFR Subpart 3112 renders invalid an over-the-counter oil and gas lease offer filed for lands in canceled or relinquished leases or leases which have terminated by operation of law, for such lands are subject to simultaneous offers only.

APPEARANCES: Robert S. Bickel, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Robert S. Bickel appeals from a February 24, 1976, decision of the Utah State Office, Bureau of Land Management, rejecting in its entirety his over-the-counter oil and gas lease offer U-32394. The State Office decision held that "[t]he lands have not been made available in accordance with 43 CFR 3112," the inference being that the lands were previously included in a canceled, relinquished, or lease terminated by operation of law for reasons other than end of primary or extended term.

Appellant argues that there should be no restrictions on potential oil and gas producing lands since there exists a shortage of natural gas in this country, that there is production potential for the lands in issue because they are within 2 miles of a producing gas field, that oil and gas leases border the lands on all sides, and that there should be no greater restrictions on the disputed lands than on the already leased federal land surrounding it.

[1] Appellant has alleged no factual or cognizable legal reason why Subpart 3112 1/ must not be applied to bar his regular over-the-counter offer. 2/ Section 3112.1-1(a) renders invalid ab initio an over-the-counter offer filed for lands covered by the section, where the conditions thereof have not been met; such lands are subject to simultaneous offers only. Duncan Miller 15 IBLA 275 (1975). Thus, the State Office properly rejected appellant's over-the-counter offer.

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.

Joseph W. Goss
Administrative Judge

We concur:

Frederick Fishman
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

1/ 43 CFR 3112.1-1(a) provides:

"§ 3112.1-1 Availability of Lands. (a) Lands in canceled or relinquished leases or in leases which terminate by operation of law for non-payment of rental pursuant to 30 U.S.C. sec. 188, which are not withdrawn from leasing nor on a known geological structure of a producing oil and gas field shall be subject to the filing of new lease offers only after notation on the official record of the cancellation, relinquishment, or termination of such lease and only in accordance with the provisions of this section. All lands covered by leases which expire by operation of law at the end of their primary or extended terms shall likewise be subject to the filing of new lease offers only in accordance with the provisions of this section except that notation of such expiration of the leases need not be made on the official records." [Emphasis added.]

2/ See 43 CFR Subpart 3111 - Regular Offers.