WILLIAM E. FRAZIER, JR.

IBLA 77-520 Decided October 3, 1977

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting in part simultaneous oil and gas lease offer W 59614.

Set aside and remanded.

1. Oil and Gas Leases: Known Geological Structure

Where a Bureau of Land Management decision rejects in part a simultaneous oil and gas lease offer because certain lands encompassed by the offer are within a known geologic structure, but appellant submits a Geological Survey letter which appellant states admits that such determination was based on erroneous information, the Bureau decision will be set aside and the case remanded for further appropriate consideration.

APPEARANCES: Ted J. Gengler, Esq., Poulson, Odell & Peterson, Denver, Colorado, for appellant.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

By decision dated July 20, 1977, the Wyoming State Office, Bureau of Land Management (BLM), rejected in part simultaneous oil and gas lease offer W 59614. The reason given for the rejection was that certain lands emcompassed by the offer were within a known geologic structure (KGS) of an unnamed field, effective June 15, 1977. BLM had been informed of the KGS determination by memorandum from the Area Geologist, Geological Survey (GS), dated June 16, 1977.

On appeal counsel for appellant states that he made an inquiry of the Area Geologist, GS, in Casper, Wyoming, regarding information used by GS in determining the existence of the KGS encompassing the

rejected lands. Appellant's counsel received a reply from the Area Geologist dated September 6, 1977, and enclosed a copy for consideration by the Board.

The Area Geologist stated in his letter that the KGS determination had been based on erroneous information from a commercial source and that: "Those lands included in the undefined known geologic structure on the basis of the Woods Petroleum Corporation Well # 23-1 are no longer considered to be within the limits of a known geologic structure."

Appellant represents that the Geological Survey memorandum deals with the lands in issue.

Based upon the foregoing, it is clear it is appropriate to set aside the July 20, 1977, BLM decision and remand the case to BLM for further consideration.

Accordingly, 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 set aside and the case remanded.

Frederick Fishman
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Anne Poindexter Lewis
Administrative Judge