

DUNCAN MILLER

IBLA 78-527

Decided October 4, 1978

Appeal from expiration of noncompetitive oil and gas leases W-10432 and W-12546 at the end of their primary terms.

Dismissed.

1. Oil and Gas Leases: Generally—Oil and Gas Leases: Extensions—Oil and Gas Leases: Noncompetitive Leases
Noncompetitive oil and gas leases are issued for primary terms of 10 years. Unless one of the statutory grounds for extension is established, such leases expire by operation of law at the end of their primary term.
2. Appeals—Rules of Practice: Appeals: Dismissal—Rules of Practice: Appeals: Statement of Reasons

An appeal is properly dismissed where the appellant fails to point out the grounds on which the decision appealed from is in error, and the allegations in his statement of reasons are irrelevant and immaterial.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Duncan Miller is the lessee of noncompetitive oil and gas leases W-10432 and W-12546, issued effective February 1, 1968, and June 1, 1968. Under 30 U.S.C. § 226(e) (1970), both leases were issued for primary terms of 10 years "and so long [thereafter] as oil or gas is produced in paying quantities."

In a letter dated June 12, 1978, the Wyoming State Office, Bureau of Land Management (BLM), informed appellant that the leases had expired because nothing in the case files indicated that either

lease was eligible for an extension. It is from this decision that he appeals.

In his statement of reasons appellant does not address the ground upon which the BLM based its decision. Instead, appellant makes a general protest concerning "the situation where people obtaining these oil and gas leases were acting as agents. * * * [A] lessee with legitimate oil and gas leases * * * lose [sic] their value because these agents become involved in many schemes—some of them of a somewhat horrendous nature." He contends apparently that he should receive new leases for the lands in the terminated leases.

[1] Noncompetitive oil and gas leases are issued for a primary term of 10 years. Unless one of the statutory grounds for extension is established, such leases expire by operation of law at the end of the primary term. Unless there is production on the leasehold, to be eligible for extension there must be actual drilling operations either on the leased land or under an approved cooperative or unit plan, commenced prior to the end of the primary term and being diligently prosecuted. 30 U.S.C. § 226(e) (1970); 43 CFR 3107.2-3; Rio Blanco Natural Gas Company, 30 IBLA 191, 84 I.D. 198 (1977); Charles M. Goad, 25 IBLA 130 (1976); D. L. Cook, 20 IBLA 315 (1975).

Appellant has offered no showing that any of the legal grounds for extending a lease exist for either lease. Therefore, based on the record, it appears that leases W-10432 and W-12546 expired by operation of law January 31, 1978, and May 31, 1978, respectively.

[2] An appeal is properly dismissed where the appellant fails to point out the grounds on which the decision appealed from is in error, and the allegations in his statement of reasons are irrelevant and immaterial. The regulation, 43 CFR 4.412, requires submission of a statement of reasons for an appeal. Failure to file a statement pointing out the errors in the decision below is treated in the same manner as failure to file any statement at all; the appeal will be dismissed. 43 CFR 4.402(a); Duncan Miller, 33 IBLA 83 (1977); Duncan Miller, 28 IBLA 62 (1976); United States v. Lewis Maus, 6 IBLA 164 (1972).

Appellant's statement of reasons does not relate to the question of eligibility for extensions for these leases. He alleges, in very vague terms, interference with "the lawful possession of the oil and gas leases" due to the "terrible situation within the Department of the Interior" caused, in appellant's eyes, by agents and large oil companies. Appellant gives no indication of the relationship between these allegations and the expiration of his leases. At most they stand as an objection to the procedures for leasing after a lease has terminated. These are set forth at 43 CFR 3112, requiring the posting of lands and their availability in a simultaneous drawing procedure.

This Board is an adjudicative body, bound to apply the laws and regulations covering the subject matter within its jurisdiction. If appellant believes wrongdoing exists within the Department, or that existing regulatory procedures should be changed, he may bring it to the attention of the appropriate Assistant Secretary, and participate, as all citizens may, in rulemaking procedures. This Board is not an appropriate forum for appellant's allegations, which, if anything, would require adoption of new regulations.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Joan B. Thompson
Administrative Judge

We concur.

James L. Burski
Administrative Judge

Frederick Fishman
Administrative Judge

