

JUDITH GAIL BELL

IBLA 81-183

Decided August 25, 1981

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneously-filed oil and gas lease offer. NM 39589.

Affirmed.

1. Evidence: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: First-Qualified Applicant

Where an oil and gas lease offeror fails to respond within a prescribed period of time to an order to submit specific information necessary to determine whether offeror is qualified, the offer is properly rejected.

APPEARANCES: Dennis A. Bell, Esq., Chicago, Illinois, for appellant; John H. Harrington, Esq., Office of the Field Solicitor, Santa Fe, New Mexico, for the Department.

OPINION BY ADMINISTRATIVE JUDGE GRANT

Judith Gail Bell appeals from a decision dated October 23, 1980, by the New Mexico State Office, Bureau of Land Management (BLM), rejecting her oil and gas lease offer NM 39589 for failure to file timely a form captioned "Certification of Qualifications to Hold A Federal Oil and Gas Lease (Simultaneous)." The form is based on the regulatory requirements in 43 CFR Subparts 3101 and 3102.

Appellant's drawing entry card (DEC) was the third drawn for parcel NM-244 in the New Mexico drawing of simultaneously filed oil and gas lease offers held in December 1979. 1/ On August 26, 1980,

---

1/ Offerors receiving first and second priority for the parcel in the drawing were disqualified.

BLM issued decisions requiring appellant to supply additional information. Two forms, captioned "Additional Evidence Required" and "Certification of Qualifications to Hold A Federal Oil and Gas Lease (Simultaneous)," were enclosed for completion by applicant. Appellant complied with that part of the decision which requested that she execute the "Additional Evidence Required" form, which was filed in the BLM State Office on September 19, 1980. The "Certification of Qualifications" form was not returned.

Counsel for appellant asserts in the statement of reasons for appeal that appellant returned the completed form entitled "Additional Evidence Required" in a timely manner. Appellant's statement of reasons makes no mention of and is not responsive to BLM's request for execution of the "Certificate of Qualifications," which was never returned.

Issuance of noncompetitive oil and gas leases on pending applications was suspended by Secretarial Order No. 3049 dated February 29, 1980. By Secretarial Order No. 3051, 45 FR 30554 (May 8, 1980), the Secretary of the Interior authorized BLM to resume issuing leases on pending applications under certain conditions listed in his decision of April 7, 1980. That decision required BLM to obtain additional certification from applicants that no false statements were made in the application concerning parties in interest in lease offers. Completion of the certification of qualifications was required of appellant pursuant to this order. The BLM decision prescribed a time limit and appellant was obliged to comply in order to establish her qualifications to have her offer accepted.

[1] It is well established that BLM has the authority to require an offeror to provide further information to ascertain offeror's qualifications to hold an oil and gas lease. Lorenz K. Ayers, 50 IBLA 240, 246 (1980); Lee S. Bielski, 39 IBLA 211, 221, 86 I.D. 80, 85-86 (1979); Ricky L. Gifford, 34 IBLA 160 (1978). Further, BLM may properly reject an oil and gas lease offer where the offeror fails to respond within a prescribed time to an order requiring further evidence that the offeror is qualified to receive the lease. Ken Wiley, 54 IBLA 367 (1981); Lorenz K. Ayers, *supra* at 246; Lee S. Bielski, *supra* at 221, 86 I.D. at 86. As this Board noted in Ken Wiley, *supra* at 370: "It is obvious that BLM's orderly administration and processing of oil and gas lease applications would be adversely affected if offerors were not subject to filing time constraints or could arbitrarily set their own dates for responding."

Appellant failed to sign and return the "Certification of Qualifications to Hold a Federal Oil and Gas Lease" as required by BLM decision. The form has never been filed. Consequently, the decision rejecting appellant's lease offer must be affirmed.

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.

C. Randall Grant, Jr.  
Administrative Judge

We concur:

Douglas E. Henriques  
Administrative Judge

Edward W. Stuebing  
Administrative Judge

