

Appeal from the decision of the Nevada State Office, Bureau of Land Management, adding a new lease term to oil and gas lease N-33306.

Appeal dismissed.

1. Appeals -- Rules of Practice: Appeals: Dismissal -- Rules of Practice: Appeals: Standing to Appeal -- Rules of Practice: Appeals: Statement of Reasons

Where appellant states that he may not be adversely affected by a decision of the Bureau of Land Management and fails to point out affirmatively in his statement of reasons in what respect the decision is in error, he does not meet the requirements of the Department's rules of practice and the appeal must be dismissed.

APPEARANCES: Hal V. Carlson, Jr., pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Hal V. Carlson, Jr., has appealed from the letter decision of the Nevada State Office, Bureau of Land Management (BLM), dated January 7, 1982, adding to his oil and gas lease, N-33306, a lease term required by P.L. 97-78, 95 Stat. 1070, to be included in Federal oil and gas leases issued on or after the date of enactment of the statute, November 16, 1981.

He states that even though he may not be adversely affected now, he does not know what will happen in the future and, therefore, does not accept this term as part of his lease. He argues that there was an excessive amount of delay between the simultaneous drawing establishing priorities for the lease and issuance of the lease to him, and if BLM had followed the proper procedure, the lease would have been issued earlier, and he would not be subject to this new lease term.

P.L. 97-78, or the Combined Hydrocarbon Leasing Act of 1981, provides that the Department of the Interior will issue combined hydrocarbon leases which embrace all nongaseous hydrocarbon substances, other than coal, oil shale, or gilsonite, instead of just the oil and gas deposits in the lease area. The purpose of the Act is to promote the leasing and development of

tar sand deposits in combination with oil and gas where feasible. Under previous authority, the Department of the Interior had been reluctant to issue tar sands leases. S. Rep. No. 97-250, 97th Cong., 1st Sess., reprinted in [1981] U.S. Code Cong. & Ad. News 1740-42.

The provision which BLM has added to appellant's lease is dictated by the new law. Its effect is to allow appellant to develop other nongaseous hydrocarbon substances in addition to oil and gas under the same lease if he so desires.

[1] The regulations governing appeal to the Board of Land Appeals provide a right of appeal to a party adversely affected by a decision of an officer of BLM. 43 CFR 4.410. Absent a showing of injury in fact from such decision an appeal will be dismissed. State of Alaska, 58 IBLA 118 (1981). The Board has held that when a statement of reasons fails to point out how the decision appealed from is in error, it does not meet the requirements of the Department's rules of practice, and the appeal may be dismissed. Glen Gould, 52 IBLA 305 (1981). Because appellant has not shown that he is adversely affected or demonstrated that the BLM decision is in error, this appeal must be dismissed.

Appellant may wish to consult with BLM further for an explanation of the provisions of P.L. 97-78.

Accordingly, 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.

Douglas E. Henriques
Administrative Judge

We concur:

Gail M. Frazier
Administrative Judge

C. Randall Grant, Jr.
Administrative Judge

