

BRYAN O. BLEVINS

IBLA 82-412

Decided April 26, 1982

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting noncompetitive oil and gas offer NM-A 50652 (TX).

Set aside and remanded.

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

Where a noncompetitive over-the-counter lease offer for unsurveyed acquired lands fails to provide a land description from the deed or other acquisition document, or by courses and distances, and fails to include a map indicating the desired lands, as required by 43 CFR 3101.2-3(b), the offer is properly rejected. However, when the additional required information is filed with the notice of appeal, the offer may be reinstated and given priority from the time of the filing of such information.

APPEARANCES: Bryan O. Blevins, pro se.

OPINION BY CHIEF ADMINISTRATIVE JUDGE PARRETTE

Bryan O. Blevins has appealed from the December 28, 1981, decision of the New Mexico State Office, Bureau of Land Management (BLM), which rejected his noncompetitive oil and gas offer NM-A 50652 (TX) for unsurveyed acquired lands because he failed to describe the desired lands either by deed or other document by which the lands or minerals were acquired by the United States, or by courses and distances where appropriate, and because he failed to provide a map indicating the lands with respect to the administrative unit or project of which they are a part, in accordance with 43 CFR 3101.2-3(b).

With his statement of reasons for appeal, received by BLM at 9:34 a.m. on January 11, 1982, Blevins has submitted the omitted materials. His letter notes that he omitted them inadvertently because this was his first attempt at leasing public lands. He states that he has now read the regulations and visited the U.S. Forest Service office to become familiar with BLM requirements, and asks that the lease now be approved.

[1] It is now well established that where a noncompetitive over-the-counter lease offer fails to include all of the information or materials required by the regulations, the offer is properly rejected. However, when the additional required information is filed with the notice of appeal, the offer may be reinstated and given priority from the time of filing of such information. Curtis Wheeler, 55 IBLA 65 (1981); Emerald Oil Co., 31 IBLA 119 (1977).

Here, appellant filed the necessary information on January 11, 1982, and we hold that his offer may be considered with priority from that date, assuming that the offer is otherwise valid.

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 remanded for further action consistent with this opinion.

Bernard V. Parrette
Chief Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

