

Appeal from decisions of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offers NM 52823 and NM 52824.

Affirmed as modified.

1. Oil and Gas Leases: Lands Subject to

An oil and gas lease offer is properly rejected where it describes lands declared to be held in trust for the Canoncito Band of Navajo Indians.

APPEARANCES: James M. Chudnow, pro se; John H. Harrington, Esq., Office of the Field Solicitor, Sante Fe, New Mexico for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

On May 4 and 5, 1982, the New Mexico State Office, Bureau of Land Management (BLM), issued decisions rejecting oil and gas lease offers NM 52824 and NM 52823, respectively. In each decision, BLM stated that the lands in the offer were "included in Secretarial Order, dated March 25, 1950, which withdrew the lands from mineral leasing and placed them in Indian Trust." 1/

1/ NM 52823 described the following lands:

- T. 10 N., R. 1 W. NMPM
Sec. 21: Lots 1 thru 4, W 1/2 W 1/2
- T. 10 N., R. 2 W. NMPM
Sec. 10: W 1/2 NW 1/4, S 1/2 SE 1/4
Sec. 12: SW 1/4
- T. 11 N., R. 1 W. NMPM
Sec. 28: N 1/2 NW 1/4
Sec. 29: N 1/2 N 1/2
Sec. 30: N 1/2 N 1/2

NM 52824 described the following lands:

- T. 10 N., R. 2 W. NMPM
Sec. 26: E 1/2 E 1/2
- T. 11 N., R. 2 W. NMPM
Sec. 35: Lots 1 thru 8, E 1/2

Although both decisions indicated that the respective offers were rejected in their entirety, we note that NM 52823 described sec. 12 SW 1/4, T. 10 N., R. 2 W., New Mexico principal meridian. That land was not described in the May 5, 1982, decision purportedly rejecting NM 52823 in its entirety. Therefore, that portion of the offer remains to be adjudicated.

James M. Chudnow filed a letter with BLM stating that for each offer the oil and gas plats did not reflect the status indicated in the decision. He requested that BLM recheck its records. BLM construed the letter as a notice of appeal and forwarded the case files to the Board.

[1] Subsequently, counsel for BLM submitted a response stating:

Enclosed is an affidavit with attachments executed by a knowledgeable Bureau employee which demonstrates that the lands in issue were withdrawn from mineral leasing and declared to be held in trust for the Canoncito Band of Navajo Indians by the Act of August 13, 1949 (63 Stat. 604) and a Secretarial Order of March 25, 1950.

Those documents do, in fact, establish that the following lands were declared to be held in trust for the Canoncito Band of Navajo Indians:

NM 52823
T. 10 N., R. 1 W. NMPM
Sec. 21
T. 10 N., R. 2 W. NMPM
Sec. 10
T. 11 N., R. 1 W. NMPM
Secs: 28, 29, 30

NM 52824
T. 10 N., R. 2 W. NMPM
Sec. 26
T. 11 N., R. 2 W. NMPM
Sec. 35

Such lands are, therefore, not subject to oil and gas leasing. See 43 CFR 3101.1-1(a)(2).

Appellant was served with a copy of the documents. He has filed no response. The offers were properly rejected by BLM to the extent they described lands held in trust for Canoncito Band of Navajo Indians. See note 1, supra.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the BLM decision rejecting NM 52824 is affirmed; the decision rejecting NM 52823 is affirmed as modified.

Bruce R. Harris
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

