

EDWARD E. NICKSIC

IBLA 83-601

Decided August 2, 1983

Appeal from decision of California State Office, Bureau of Land Management, rejecting oil and gas lease offer CA 13910.

Affirmed.

1. Oil and Gas Leases: Generally--Oil and Gas Leases: Applications;
640-acre Limitation

An oil and gas lease offer for less than 640 acres of land is properly rejected when the offer fails to include other adjoining lands which were available for leasing at the time the offer was filed, although included in a prior outstanding lease offer.

APPEARANCES: Edward E. Nicksic, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Edward E. Nicksic appeals the California State Office, Bureau of Land Management (BLM), decision of April 27, 1983, which rejected his oil and gas lease offer CA 13910 because it was for less than 640 acres and other contiguous lands were available. The offer described W 1/2 NW 1/4, W 1/2 SW 1/4, sec. 22, T. 16 S., R. 21 E., San Bernardino meridian, Imperial County, California.

The status plat indicates that the contiguous land to the east, north, and west of the tract applied for is either patented without reservation of oil and gas or under a Federal lease for oil and gas. The contiguous land to the south of the tract is shown to be within material site LA 086059, issued November 9, 1921, and is included in pending oil and gas lease offer CA 13888.

43 CFR 3110.1-3(a) provides that no offer for an oil and gas lease may be made for less than 640 acres of land unless the tract sought is surrounded by lands not available for leasing under the Mineral Leasing Act, 30 U.S.C. § 226 (1976).

[1] Land included within a pending lease offer is considered as available for leasing. Duncan Miller, 7 IBLA 169 (1972); Violet Goresen, A-28289 (June 8, 1960). As the offer of appellant was for less than 640 acres of land and other lands available for leasing were contiguous, the offer cannot be considered as acceptable, and it was properly rejected.

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.

Douglas E. Henriques
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Gail M. Frazier
Administrative Judge

