

Appeal from the decision of the Alaska State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer AA-48736.

Affirmed.

1. Oil and Gas Leases: First-Qualified Applicant--Oil and Gas Leases:  
Noncompetitive Leases

An oil and gas lease offer must be rejected when the land applied for has been leased to a senior offeror under a proper offer.

APPEARANCES: James C. Stevenson, pro se.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

James C. Stevenson has appealed from the August 10, 1983, decision of the Alaska State Office, Bureau of Land Management (BLM), rejecting his noncompetitive oil and gas lease offer, AA-48736, filed on June 13, 1983, for sec. 22, T. 13 N., R. 10 W., Copper River meridian, containing approximately 467 acres of land. BLM rejected the offer because sec. 22 was included in oil and gas lease AA-48664 which issued on June 24, 1983, to Alaska Capital Corporation.

Appellant argues that lease AA-48664 was issued 11 days after BLM acknowledged receipt of his offer and therefore it appears that BLM "leased the parcel for which [he] had applied to someone who applied after [him]."

The case file for this appeal contains a copy of lease AA-48664 and a copy of BLM's case file abstract for the lease. Both the time stamp on the lease and the abstract show that BLM received the lease offer from Alaska Capital Corporation on May 16, 1983, almost a month before BLM received appellant's offer. The lease covers sec. 22, T. 13 N., R. 10 W., Copper River meridian, among other acreage.

[1] Under 30 U.S.C. § 226(c) (1976), once the Secretary of the Interior has determined to lease lands not within the known geological structure of a producing oil and gas field, "the person first making application for the lease who is qualified to hold under this chapter shall be entitled to a lease

of such lands without competitive bidding." Because a qualified offeror filed an offer before appellant, BLM properly issued a lease to that first offeror and rejected appellant's subsequent offer. Leo P. Sas, 67 IBLA 36 (1982); El Paso Products Co., 10 IBLA 116 (1973). In the absence of any valid reasons raised by appellant as to why Alaska Capital Corporation's offer should be considered defective, we affirm BLM's decision rejecting lease offer AA-48736. Irvin Wall, 71 IBLA 349 (1983).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Alaska State Office is affirmed.

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Will A. Irwin  
Administrative Judge

We concur:

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James L. Burski  
Administrative Judge

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Edward W. Stuebing  
Administrative Judge

