

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, requiring acceptance of special stipulations as a condition precedent to issuance of lease. NM-A-050841(OK).

Dismissed.

1. Rules of Practice: Appeals: Dismissal -- Rules of Practice: Appeals: Statement of Reasons

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file timely a statement of reasons and no reason for maintaining the action is apparent.

APPEARANCES: Edward W. Thorp, pro se.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Edward W. Thorp appeals from a March 5, 1984, decision of the New Mexico State Office, Bureau of Land Management (BLM), requiring acceptance of special stipulations as a condition precedent to issuance of lease, NM-A-050841(OK). The BLM decision further provided that failure of the offeror to execute and return the stipulations within 30 days of receipt of the decision "will result in the offer being considered finally rejected and closed." Sheets attached to the decision list numerous special stipulations. The lands covered by the lease are acquired lands under the jurisdiction of the Department of the Army, Corps of Engineers. A document entitled "Title Report Request" dated April 22, 1982, which was prepared by the Chief, Real Estate Division, Tulsa District, Corps of Engineers, stated that development of deposits on land covered by the lease would interfere with the primary purposes for which the land was acquired and that special stipulations were attached.

Thorp filed a notice of appeal with BLM on April 9, 1984, but provided no reasons for the appeal. No statement of reasons has been provided by appellant subsequently.

[1] The applicable regulation, 43 CFR 4.412(a), states that "[i]f the notice of appeal did not include a statement of reasons for the appeal, the appellant shall file such a statement with the Board \* \* \* within 30 days after the notice of appeal was filed." Failure to file the statement of

reasons subjects the appeal to summary dismissal. 43 CFR 4.402(a). No explanation has been given for the failure to file such a statement. An appeal to the Board is properly dismissed when the appellant fails to file a statement of reasons and no reason for maintaining the action is apparent. Irvin Wall, 68 IBLA 308 (1982).

In the present situation not only does Thorp not provide reasons why he believes that the special stipulations are inappropriate but also he fails to point out specifically which of the stipulations he objects to. Accordingly, the appeal is properly dismissed.

Since appellant failed to tender the executed stipulations within the time allowed by the decision under appeal, the lease offer is properly considered "finally rejected and closed" pursuant to the terms of the decision. Fortune Oil Co., 71 IBLA 153, 90 I.D. 84 (1983). An appellant who objects to stipulations under these circumstances may only preserve his option of obtaining the lease by filing the executed stipulations under protest. Id.

Therefore, 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.

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Will A. Irwin  
Administrative Judge

We concur:

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Franklin D. Arness  
Administrative Judge

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C. Randall Grant, Jr.  
Administrative Judge

