



MEGHAN BELASKI-ASHE

188 IBLA 93

Decided July 21, 2016



United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
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MEGHAN BELASKI-ASHE

IBLA 2016-120

Decided July 21, 2016

Appeal from a Bureau of Land Management (BLM) decision in which the agency denied appellant's protest of a competitive oil and gas lease sale on public lands in Utah. 3100/(UT-922000).

Motion to Dismiss Granted; Appeal Dismissed.

1. Administrative Procedure: Standing

The Board will grant BLM's motion to dismiss an appeal from a BLM decision denying an individual's protest to an oil and gas lease sale when the individual cannot show that he or she has a legally cognizable interest in the public lands selected for oil and gas leasing.

APPEARANCES: Meghan Belaski-Ashe, Fort Collins, Colorado, *pro se*, and Leah Peterson, Esq., Office of the Solicitor, Salt Lake City, Utah, for the Bureau of Land Management.

OPINION BY CHIEF ADMINISTRATIVE JUDGE JONES

Summary

Appellant Meghan Belaski-Ashe disputes the Federal government's right to lease public lands in Utah for oil and gas exploration, development, and production. Appellant believes her ancestors owned the lands at issue and they still remain her family's land. She states that the Federal government has manipulated land ownership records to erase her family from history. In order to have standing to bring an appeal, our regulations require an appellant to demonstrate that she has a legally cognizable interest adversely affected by the decision being appealed. Because appellant has not shown she has a legally cognizable interest in the lands selected for the oil and gas lease sale, we dismiss the appeal for lack of standing.

*Appellant's Protest of a Competitive Oil and Gas Lease Sale
and the Federal Government's Response*

When BLM announced that it would hold a competitive oil and gas lease sale on public lands located in Utah, appellant timely protested. In a one-page, handwritten letter to BLM, appellant stated that the Federal government did not own the lands slated for oil and gas leasing. Appellant alleged that BLM and other government officials had falsified her ancestors' land ownership records but did not explicitly argue that her family owned the lands offered for oil and gas leasing. Appellant did not state that she used the lands at issue for recreation or that she had any other relationship to those lands.

On February 12, 2016, BLM denied appellant's protest. BLM determined that appellant did not provide facts or other information to demonstrate that the agency committed any legal or factual error in listing the individual oil and gas lease parcels for sale. This appeal followed.

Appellant's Notice of Appeal and BLM's Motion to Dismiss

In her notice of appeal, appellant states that her ancestors were Mormon Saints, Native Americans, original patent mine homesteaders, and water rights owners who once owned unspecified lands in Utah and Nevada.¹ But, according to appellant, unnamed BLM employees and members of Congress wrongfully declared her family's lands "abandoned" and "donated" to the Federal government.² Appellant states that she has records and verbal recordings that prove the lands BLM selected for leasing belong to her family.³ Appellant, however, did not provide copies of those evidentiary materials to the Board. While appellant attached to her notice of appeal a variety of unidentified, unpaginated documents, she did not explain their relevance to this appeal. The documents do not include land patents or any other land conveyance or ownership documentation.

Shortly after appellant filed her notice of appeal, BLM filed a motion to dismiss appellant's appeal. BLM argues that appellant has not demonstrated how BLM's decision to lease one or more of the parcels at issue has injured, or is substantially likely to cause injury to, her legally cognizable interest.⁴ Therefore, BLM argues that appellant does not have standing to appeal because she is not

¹ See Notice of Appeal at unpaginated (unp.) 3, 4.

² *Id.* at unp. 4-5.

³ See *id.* at unp. 4.

⁴ BLM Motion to Dismiss at 4-5.

adversely affected by BLM's decision and moves the Board to dismiss the appeal.⁵ Appellant did not respond to BLM's motion and her time to do so has passed.⁶

Appellant has not Demonstrated that She has Standing to Bring this Appeal

[1] An appellant must have standing to appeal an agency decision.⁷ An appellant has standing if she meets two criteria.⁸ An appellant must demonstrate that she participated in the decision making process leading to the agency's decision. An appellant must also show that the decision on appeal will adversely affect her legally cognizable interest, such as a property, economic, cultural, or recreational interest, in the lands or resources at issue.⁹ Vague and speculative contentions will not satisfy that burden.¹⁰ If an appellant cannot demonstrate the existence of both criteria, then the Board will dismiss the appeal.¹¹ Since appellant does not prove she has a legally cognizable interest in the lands subject to the oil and gas lease sale, we dismiss this appeal.

Because appellant's participation during the protest period is not in dispute, we focus on the second standing criterion -- whether appellant has shown that BLM's decision has adversely affected her legally cognizable interest in the lands or resources at issue. Appellant's purported legally cognizable interest is property ownership in the public lands subject to the oil and gas lease sale. Appellant asserts that the lands at issue in BLM's decision belong to her family and not to the Federal government. However, nowhere in appellant's notice of appeal or the unidentified, unpaginated documents attached to her notice of appeal, has she demonstrated that her family members currently have a property interest in the lands BLM offered for oil and gas leasing. Appellant has also not presented evidence that she uses the land for recreation or has any other relationship to the lands or resources at issue. Therefore, appellant has not shown that she possesses a legally cognizable interest that could be adversely affected by BLM's decision to deny her protest.

⁵ BLM Motion to Dismiss at 5.

⁶ See 43 C.F.R. § 4.407(b).

⁷ See 43 C.F.R. § 4.410(a).

⁸ See 43 C.F.R. § 4.410(a), (b), and (d); see also *Cascadia Wildlands*, 188 IBLA 7, 9 (2016).

⁹ See, e.g., *Laramie Energy II, LLC*, 182 IBLA 317, 325-29 (2012); *Western Aggregates, LLC*, 174 IBLA 280, 281-89 (2008), and cases cited.

¹⁰ See *Cascadia Wildlands*, 188 IBLA at 10-11; *Laramie Energy II, LLC*, 182 IBLA at 326-27.

¹¹ *Cascadia Wildlands*, 188 IBLA at 9.

Because we determine that appellant has not shown a legally cognizable interest in the lands at issue, we grant BLM's motion to dismiss for lack of standing, and dismiss the appeal.¹²

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,¹³ we dismiss the appeal and remove the matter from our docket.

_____/s/_____
Eileen Jones
Chief Administrative Judge

I concur:

_____/s/_____
Silvia M. Riechel
Administrative Judge

¹² See 43 C.F.R. § 4.407(c).

¹³ 43 C.F.R. § 4.1.