

Format for Decision Denying Class I Lease Reinstatement



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO

3108 (Office Code)
Serial No.

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Lessee/Address	DECISION	
	:	
	:	
	:	Oil and Gas
	:	
	:	

Petition for Reinstatement
Under Public Law 91-245 (Class I) Denied

Under the terms of the lease, rental payment for the above captioned oil and gas lease for the year commencing October 1, 1994, was required to have been made before 4:00 p.m. on October 3, 1994 (the first working day after the anniversary date of October 1, 1994).

A petition for reinstatement under Public Law 91-245 was timely filed on November 1, 1994. Remittance of the rental was also received on the same date. This office is without authority to reinstate the lease under Public Law 91-245 (Class I) and the leasing regulations at 43 CFR 3108.2-2(a)(1), since the required rental was not received within the 20-day limit. Therefore, the petition for reinstatement is denied.

This decision is final in the absence of an appeal.

Standard appeal paragraph (see Handbook 3100-1, Chapter 1).

In addition, if an appeal of this decision is considered, the following information is to be taken into account:

Termination of the lease was automatic and is statutorily imposed by Congress when the annual rental was not timely received. The Bureau of Land Management (BLM) has no discretion and merely notifies the lessee of this occurrence. Such termination is triggered solely by failure of the lessee to submit rental timely.

The lessee has the responsibility to ensure that the rental payment is timely received. The lessee may choose any appropriate delivery method, including the U.S. Postal Service, but the Postal Service (or other third party) is the agent of the lessee and not that of the Federal Government. Payments have to be sent sufficiently in advance of the lease anniversary date to allow for normal delays on the part of the Postal Service in the collection, transmittal, and delivery to the designated Minerals Management Service office.

H-3108-1 - RELINQUISHMENTS, TERMINATIONS, AND CANCELLATIONS

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Each lessee/assignee has the responsibility to be familiar with all of the lease terms and obligations, including the lease anniversary date, without benefit of the courtesy billing notice. Reliance on receipt of a billing notice does not justify or excuse a failure to pay rental timely as the notice is sent to the lessee/assignee merely as a courtesy.

Reinstatement terms are set by Congress without discretion, not by the BLM, under the provisions of the Minerals Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982.

Authorized Officer

Enclosure
Form 1842-1

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