

H-3111-1 - OVER-THE-COUNTER OFFERS

I. Over-the-Counter Offers - Public Domain and Acquired Lands

This section provides guidelines for the processing of noncompetitive over-the-counter offers for leasing of oil and gas under the Mineral Leasing Act of 1920 and Mineral Leasing Act for Acquired Lands of 1947. This Handbook should be used in conjunction with Manual 3111.

A. Lease Offer Submission

The lease offer must be made on a form approved by the Director or a valid reproduction (see Illustrations 1 and 2). The offer must be typed or printed plainly in ink and manually signed in ink. The original and two copies of each offer to lease with each copy showing evidence of having been signed shall be filed in the proper BLM State Office. No offer may include both public domain and acquired lands. The agency from which consent is needed should be named on the offer (see Illustration 2, Item 2).

B. Priority Established

Priority of an offer received shall be determined as of the time and date the offer is filed in the State Office. Simultaneously filed offers are those offers to lease which are received in the same mail or over-the-counter at the same time or during the period established by an opening order or similar notice. Priority of the offers, to the extent of the conflicts between them, shall be determined by drawing in accordance with 43 CFR 1821.2-3.

C. Action on Lease Offer

Responsible Official	Step	Action	Keywords
Receiving Clerk	1.	Receive offer Form 3100-11 and check for correct number of copies (original and two) and sufficient rental (see Manual Section 3103.22) and filing fee, then time stamp. Assign serial number, and validate \$75 filing fee. Prepare Accounting Advice and attach two copies to case file. Send case file through Docket to official responsible for ALMRS data entry.	RECEIPT OF OFFER ACCOUNTING ADVICE - INITIATE
ALMRS Data Entry	2.	Enter offer into ALMRS. Send case file to Title Records through Docket.	
Title Records	3.	Sort offers by township, range, and State. Draft offer area on oil and gas plat(s). Copy oil and gas plat(s) and file in case file. Send case file to Adjudication through Docket.	NOTE RECORDS

H-3111-1 - OVER-THE-COUNTER OFFERS

Responsible Official	Step	Action	Keywords
Adjudication	4.	Adjudicate offer, checking for the following:	
		a) Proper form and sufficient number of copies, that is, original and two copies with each copy showing evidence of having been signed. Original must be holographically signed. The date may be either typed or manually cited.	
		b) Proper rental in accordance with 43 CFR 3103.2-1(a). See Manual Section 3103.2.	
		c) Check the oil and gas plat(s) for available land, conflicts, KGS land, unit areas, acquired or public domain (PD) land and surface management agency. Examples of possible conflicts are: lands in prior leases or offers, designated wilderness areas, withdrawn lands within a wildlife refuge, lands within other withdrawals, patented lands, lands within city limits, lands covering more than the 6-mile limitation, acreage less than 640 acres for PD, lands not open to leasing, lands in litigation, uncertainty of mineral ownership, acquired surface and no Federal minerals, and, acquired surface and PD minerals.	CHECK AND IDENTIFY CONFLICTS
		d) For stipulations, either check special plats which outline stipulations or check printouts which outline stipulations or request a report from the District or Area Office Manager. If an acquiring agency or other agency is involved, request a title report (Form 3100-7) and stipulations from the appropriate office of that agency; that is, reports for Forest Service lands should be requested from the appropriate office of the Department of Agriculture.	STIPULATIONS AND/OR TITLE REPORT

H-3111-1 - OVER-THE-COUNTER OFFERS

Responsible Official	Step	Action	Keywords
		<p>e) If the agency having jurisdiction over the land consents to leasing, subject to certain terms and conditions, the lease cannot be issued until the offeror executes such stipulations which will become a part of the lease.</p> <p>Note: Action steps f and g apply only to agencies outside the Department of the Interior (except the Forest Service).</p>	<p>ACQUIRING AGENCY CONSENTS TO LEASING</p>
		<p>f) If the agency having jurisdiction over the land does not consent to leasing, Adjudication shall timely forward a decision to the offeror, with a copy of the denial of consent and title report, advising the offeror that unless BLM is notified <u>in writing</u> within 30 days from receipt of the decision that the offeror is pursuing administrative remedies with the surface managing agency (SMA), the offer is rejected (see Illustration 3).</p> <p>Note: The Forest Service (FS) is taking the direct responsibility to notify the offeror of the appeal rights for FS decisions to deny consent to lease; therefore, for FS acquired lands, Adjudication need <u>not</u> notify the offeror regarding any administrative remedies because this step will already have been completed. Adjudication shall instead prepare a decision of rejection.</p>	<p>ACQUIRING AGENCY DENIES CONSENT TO LEASING</p>

H-3111-1 - OVER-THE-COUNTER OFFERS

Responsible Official	Step	Action	Keywords
		g) If the agency having jurisdiction over the land requires restrictive stipulations, Adjudication shall timely forward to the offeror such stipulations for signature. The decision transmitting the stipulations should also outline, except for FS acquired lands, the administrative remedies available if the offeror does not agree with the stipulations, and the consequences for noncompliance (see Illustration 4).	RESTRICTIVE STIPULATIONS
		Note: For FS lands, follow Step IE1.	
D. <u>Action for Completing Offer for Approval</u>			
Adjudication	1.	If there are no conflicts, the required reports are received, no signed stipulations are required, and all lands in the offer can issue, then prepare offer for lease issuance.	PREPARE LEASE FORM
Typist	2.	a) From instructions from Adjudication, Examiner, send copy of offer or serial page to State Office for clearlisting needed.	CLEARLISTING REQUIRED
		b) Stamp "Original" on the original lease offer case file copy. Stamp "Lessee" on the first copy. The second copy is designated for the District, and a third copy is made for the acquiring agency, if any.	LEASE COPIES DESIGNATED
		c) When clearlisting is received and lands are <u>not</u> KGS, stamp the effective date of lease, date of signing, and signing official's title on all copies. Attach appropriate stipulations and assemble copies in order for signature.	
		d) If additional rental is required, type decision requesting the necessary amount as instructed by Adjudication (see Illustration 5).	ADDITIONAL RENTAL

H-3111-1 - OVER-THE-COUNTER OFFERS

Responsible Official	Step	Action	Keywords
Adjudication	3.	Complete Accounting Advice (see Illustration 6) and prepare routing slip and Records Worksheet. Route lease for signature.	ACCOUNTING ADVICE - COMPLETE
Signing Official	4.	Sign the original and lessee's copy.	
ALMRS Data Entry	5.	Update ALMRS as to lease issuance. Send file to Title Records through Docket for noting of oil and gas plat and historical index. Send Accounting Advice to Accounts.	NOTE RECORDS
Title Records	6.	Note oil and gas plat and historical index. Return case file to Docket.	
Docket	7.	File case file with inactive cases	

E. Incomplete Offers or Signature Required for Stipulations

Adjudication	1.	a) Issue decision requesting signature on stipulations (see Illustration 7) and/or additional evidence rejecting offer in whole or in part (see Illustrations 8 and 9) or suspending offer in whole or in part (see Illustrations 10 and 11). b) Send case file with decision to signing official.	DECISION OUTLINING REQUIREMENTS
Signing Official	2.	Check and sign decision.	
Mail Clerk	3.	Send decision to Mail Room for the certified card notation and mailing. Send case file to Docket to await necessary action by offeror.	MAILING
Adjudication	4.	a) When certified card returns, retain the card for 30 days from the date the decision was received by the offeror.	

H-3111-1 - OVER-THE-COUNTER OFFERS

Responsible Official	Step	Action	Keywords
		b) If it is a partial rejection and the lease can issue for the remaining lands, or if the stipulations have been signed and returned and the lease can issue as to all the lands, follow the procedures for issuing leases as outlined above in Steps D1-3.	
		c) If the applicant has not complied with the decision or if he/she has not appealed, the case file may be closed at the end of 30 days plus a 10-day grace period after receipt of decision (see 43 CFR 4.401(a)). Complete the Accounting Advice and send to Accounts.	NONCOMPLIANCE WITH DECISION
ALMRS Data Entry	5.	Update ALMRS as to rejection and case closure.	CLOSE CASE
Clerk Typist	6.	Prepare routing slip and Records Worksheet and send case file to Title Records through Docket.	
Title Records	7.	Remove area from oil and gas plat. Send case file to Docket.	NOTE RECORDS
Docket	8.	File case file with closed files.	