



INTERIOR BOARD OF INDIAN APPEALS

Mayr Brothers Logging Co. v. Acting Assistant Secretary - Indian Affairs

14 IBIA 180 (07/18/1986)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

MAYR BROTHERS LOGGING	:	Order Docketing and Dismissing
CO., INC.,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 86-53-A
ACTING ASSISTANT SECRETARY--	:	
INDIAN AFFAIRS,	:	
Appellee	:	July 18, 1986

On July 16, 1986, the Board of Indian Appeals (Board) received a notice of appeal from Mayr Brothers Logging Co., Inc. (appellant), through counsel, Gary G. Stevens, Esq., and Ruth G. Tiger, Esq., Washington, D.C. Appellant seeks review of a June 12, 1986, decision concerning two timber sales on the Makah Indian Reservation: the Cape Flattery II Logging Unit Contract No. P06C14200371 and the Bear Creek II Logging Unit Contract No. P06C14200372. The decision is signed by the Acting Assistant Secretary--Indian Affairs and concludes: "This decision is final for the Department."

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

A copy of the June 12, 1986, decision was attached to the notice of appeal. The decision was signed by the Acting Assistant Secretary--Indian Affairs and states that it is final for the Department. Decisions of the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. See Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs, 11 IBIA 168 (1983). Because the Assistant Secretary has the authority to issue decisions final for the Department, the Board does not have general review authority over his decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. See, e.g., Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.14. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Assistant Secretary's June 12, 1986, decision must be dismissed.

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//original signed  
Jerry Muskrat  
Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge