



INTERIOR BOARD OF INDIAN APPEALS

Havasu Lake Betterment Association v. Chemehuevi Tribe, et al.

21 IBIA 140 (01/08/1992)

Related Board cases:

21 IBIA 142

22 IBIA 62

22 IBIA 64



United States Department of the Interior

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

HAVASU LAKE BETTERMENT ASSOCIATION, INC., Appellant	:	Order Docketing and Dismissing Appeal
	:	
v.	:	
	:	
CHEMEHUEVI INDIAN TRIBE and SUPERINTENDENT, COLORADO RIVER AGENCY, BUREAU OF INDIAN AFFAIRS, Appellee	:	Docket No. IBIA 92-105-A January 8, 1992

On December 30, 1991, the Board of Indian Appeals received a notice of appeal from the Havasu Lake Betterment Association, Inc., through counsel, Michael L. Steele, Esq., Tustin, California. Appellant states that it is appealing a November 26, 1991, letter from the Chemehuevi Indian Tribe (Tribe), concerning leases of tribal land in an area at Lake Havasu known as "The Colony." Appellant also states that "[t]he decision on the part of BIA officials to approve such terms and demands is the subject of the appeal now being filed." On January 2, 1992, the Board received an amendment to appellant's notice of appeal. The amendment included a copy of the Tribe's November 26, 1991, letter.

The letter is addressed to "Prospective Single-Family Resident Lessee[s]" and indicates that it transmitted proposed leases, described the conditions for execution of the leases, and stated the amount each individual owed in back rent. It is the Board's understanding that the recipients of this letter are individuals who previously occupied lots in the "Colony" area under permits which have now expired.

This appeal is not properly before the Board. The Board lacks jurisdiction over appeals from acts or decisions of Indian tribes. To the extent appellant is attempting to appeal the Tribe's letter, the appeal must be dismissed for lack of jurisdiction. E.g., Rogers v. Acting Deputy Assistant Secretary--Indian Affairs (Operations), 15 IBIA 13 (1986); Hawley Lake Homeowners' Association v. Assistant Secretary-Indian Affairs (Operations), 13 IBIA 276 (1985).

Further, to the extent appellant is attempting to appeal a BIA decision, the appeal is premature. Although appellant has not identified any specific decision made by a BIA official, it is conceivable that an official or employee of the Colorado River Agency, BIA, may have rendered a decision in connection with the proposed leases. If so, however, appellant must first appeal within BIA, under 25 CFR Part 2, before an appeal to this Board will lie. 43 CFR 4.331(a). In conjunction with any appeal under Part 2, it is incumbent upon appellant to identify the BIA decision being appealed.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge