



INTERIOR BOARD OF INDIAN APPEALS

Chalmer O. Combs v. Acting Phoenix Area Director, Bureau of Indian Affairs

31 IBIA 224 (10/24/1997)



United States Department of the Interior

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

CHALMER O. COMBS,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 96-121-A
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 23, 1997

This is an appeal from an August 9, 1996, decision issued by the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; IBIA), terminating Permit No. WB-293 (R) on the Colorado River Indian Reservation for failure to pay rent for 1995 and 1996. Appellant stated in his notice of appeal that he believed the tract for which Permit No. WB-293 (R) had been issued was outside the reservation. He further stated that he based his position upon Special Master's Memorandum Opinion and Order No. 14 in Arizona v. California, No. 8 Original in the United States Supreme Court.

A similar appeal was filed by the West Bank Homeowners Association. West Bank stated that it was appealing from approximately 110 permit terminations like the one at issue here. It contended that a 1969 Secretarial Order 1/ was invalid in light of the Special Master's order in Arizona v. California. Under the 1969 Secretarial Order, the tracts at issue in these appeals have been considered by Departmental officials to be within the reservation.

Observing that it lacked jurisdiction to review an order issued by the Secretary of the Interior, the Board ordered the Appellants in both cases to show what issues they believed the Board had jurisdiction over and what relief they believed the Board had authority to grant.

Appellant Combs has relied upon arguments made in the West Bank appeal on the question of the Board's jurisdiction here.

For the reasons stated in West Bank Homeowners Ass'n v. Acting Phoenix Area Director, 31 IBIA 222 (1997), and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Memorandum dated Jan. 17, 1969, from the Secretary to the Director, Bureau of Land Management, titled "Western boundary of the Colorado River Indian Reservation from the top of Riverside Mountain, California, through section 12, T. 5 S., R. 23 E., S.B.M., California."