



INTERIOR BOARD OF INDIAN APPEALS

Liane Johnson v. Billings Area Director, Bureau of Indian Affairs

32 IBIA 90 (03/05/1998)



United States Department of the Interior

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

LIANE JOHNSON,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 98-57-A
BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 5, 1998

On January 20, 1998, the Board of Indian Appeals received a notice of appeal from Liane Johnson, through counsel, Thane P. Johnson, Esq., Cut Bank, Montana. Appellant sought review of a December 19, 1997, decision of the Billings Area Director, Bureau of Indian Affairs, affirming the rejection of Appellant's bids for leases of Blackfeet Tribal Tracts 298 and 299.

The Area Director's decision summarized the facts of this matter as follows: Appellant held a 10-year lease for the two tracts, which expired on December 31, 1997. Pursuant to a request from the Blackfeet Tribe, BIA advertised the tracts for new leases. Appellant submitted bids on both tracts. However, her bids were rejected by BIA because they were the low bids.

In her notice of appeal to the Board, Appellant contended that the Tribe has deviated from its standard practice, apparently by requesting that the tracts be advertised. She further contended that the deviation discriminated against her. She did not dispute the Area Director's statement that her bids were the low bids.

Noting that Appellant's complaint appeared to be against the Tribe rather than BIA, the Board ordered Appellant to show why her appeal should not be dismissed for lack of jurisdiction.

In her response, Appellant argues that the Board has jurisdiction here because the decision to reject her bid was made by a BIA official, *i.e.*, the Blackfeet Agency Superintendent, and affirmed by another BIA official. Thus, Appellant reasons, the Board has jurisdiction under 25 C.F.R. Part 2. Appellant further contends that BIA "relied upon the discriminatory advice of the Tribe in making their decision to deny [Appellant] her bids." Appellant's Response at 4.

According to the Area Director's decision, Appellant contended before him that BIA had "permitt[ed] the Blackfeet Tribe to deviate from its standard practice and place up for bid tracts leased by tribal members who are in complete compliance with the terms of their lease." Area Director's

Decision at 2. Appellant evidently believes that, under the Tribe's standard practice, she had a right to a new lease because she had complied with the terms of her previous lease.

The Tribe, as landowner, had the authority to determine how its land was to be leased. The Tribe may have, as Appellant suggests, placed certain limitations upon its authority by adopting laws or practices concerning it. However, the question of whether the Tribe violated its own laws or practices in requesting that the leases be advertised is a question that Appellant must take to a tribal forum for decision. E.g., Risse v. Acting Aberdeen Area Director, 27 IBIA 304 (1995); Simpson v. Acting Billings Area Director, 27 IBIA 300 (1995) (where an appellant's real dispute is with a tribal action, the dispute is properly resolved in a tribal court or other tribal forum).

Because the only issue raised by Appellant concerns the interpretation of tribal law and practice, the Board finds that this appeal must be dismissed for lack of jurisdiction.

Therefore, 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 docketed but is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge