



INTERIOR BOARD OF INDIAN APPEALS

City of Salem, Oregon v. Portland Area Director, Bureau of Indian Affairs

33 IBIA 87 (12/14/1998)



United States Department of the Interior

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

CITY OF SALEM, OREGON,	:	Order Vacating Decision and Remanding
Appellant	:	Case
	:	
v.	:	
	:	Docket No. IBIA 99-24-A
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	December 14, 1998

Appellant City of Salem, Oregon, sought review of an October 5, 1998, decision of the Portland Area Director, Bureau of Indian Affairs (Area Director), approving a fee-to-trust land acquisition for the Confederated Tribes of Siletz Indians of Oregon (Tribe). On December 10, 1998, the Board of Indian Appeals received a request from the Area Director that the matter be remanded to him for reconsideration and issuance of a new decision. The Area Director stated that counsel for the Tribe did not object to the request. ^{1/}

In its Notice of Appeal, Appellant sought remand of this matter to the Area Director. The Area Director's request is therefore in accord with the relief sought by Appellant.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, and the Area Director's request, the Area Director's October 5, 1998, decision is vacated and this matter is remanded to the Area Director for reconsideration and the issuance of a new decision.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge

^{1/} Also on Dec. 10, 1998, the Board received a letter from Tribal counsel asking for information on how the Board handles discovery requests. Based on the Area Director's representation that Tribal counsel did not object to remand, the Board does not further address counsel's request for information.