



INTERIOR BOARD OF INDIAN APPEALS

Kiowa, Comanche and Apache Intertribal Land Use Committee  
v. Acting Director, Office of Economic Development, Bureau of Indian Affairs

33 IBIA 123 (01/26/1999)

Reconsideration denied:  
34 IBIA 2



# United States Department of the Interior

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

KIOWA, COMANCHE, AND APACHE	:	Order Docketing and Dismissing Appeal
INTERTRIBAL LAND USE	:	
COMMITTEE,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 99-38-A
	:	
ACTING DIRECTOR, OFFICE OF	:	
ECONOMIC DEVELOPMENT,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 26, 1999

The Kiowa, Comanche, and Apache Intertribal Land Use Committee filed a Notice of Appeal with the Board of Indian Appeals from a December 14, 1998, letter issued by the Acting Director, Office of Economic Development, Bureau of Indian Affairs (Director). The Director's letter was in response to a June 24, 1998, letter from Appellant to the Assistant Secretary - Indian Affairs, and appears to be part of an ongoing controversy between Appellant and BIA concerning the collection of an alleged debt in regard to the Native Sun Water Park. The letter cited as authority regulations found in 4 C.F.R. Chapter II, the Federal Claims Collection Standards (General Accounting Office--Department of Justice).

After rejecting several arguments Appellant made in its June 24, 1998, letter, the Director stated at page 2 of his December 14, 1998, letter: "[I]n accordance with law, we have forwarded this matter to the United States Treasury for further collection measures. This decision is not subject to further administrative appeal. See, 4 CFR §§ 101.7, 107.8."

Appellant filed its Notice of Appeal with the Board under 43 C.F.R. § 4.332, asserting a right to administrative review of the Director's decision by the Board.

The Board is not a court of general jurisdiction. It has only that authority delegated to it by the Secretary of the Interior. After a careful review of 4 C.F.R. Chapter II and of its delegations of authority, the Board concludes that it has not been delegated authority to hear appeals from decisions issued under those regulations.

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 from the Director's December 14, 1998, letter is docketed but dismissed for lack of jurisdiction.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge