



INTERIOR BOARD OF INDIAN APPEALS

Gary L. Henderson v. Portland Area Director, Bureau of Indian Affairs

34 IBIA 281 (03/22/2000)



United States Department of the Interior

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

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|---------------------------|---|---------------------------------|
| GARY L. HENDERSON, | : | Order Dismissing Appeal as Moot |
| Appellant | : | |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 99-97-A |
| PORTLAND AREA DIRECTOR, | : | |
| BUREAU OF INDIAN AFFAIRS, | : | |
| Appellee | : | March 22, 2000 |

Appellant Gary L. Henderson sought review of a July 12, 1999, decision issued by the Portland Area Director (now Northwest Regional Director), Bureau of Indian Affairs (Area Director), cancelling Nez Perce Lease No. 1-09189-95-99, covering Allotment 1020-A. By order dated August 23, 1999, the Board of Indian Appeals (Board) placed the Area Director's decision into immediate effect under 43 C.F.R. § 4.314(a) and 25 C.F.R. § 2.6(a) in order to protect trust resources and/or because of other public exigency. Although he was advised of his right to proceed to Federal court, Appellant has not notified the Board that he has done so.

On March 13, 2000, the Area Director requested expedited consideration of this appeal. In support of his request, he stated that crops needed to be planted soon in order for the lands to be productive this year. Expedited consideration is granted.

Lease No. 1-09189-95-99 expired on December 31, 1999. On February 7, 2000, the Board informed Appellant that this appeal appeared to be moot because the lease had expired by its own terms. See, e.g., Hall v. Billings Area Director, 33 IBIA 290 (1999); Bird v. Billings Area Director, 33 IBIA 282 (1999). Appellant has not attempted to show that the appeal is not moot.

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 dismissed as moot.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge