



INTERIOR BOARD OF INDIAN APPEALS

Scotts Valley Band of Pomo Indians of California v. Assistant Secretary -
Indian Affairs

35 IBIA 89 (06/19/2000)



United States Department of the Interior

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

SCOTTS VALLEY BAND OF POMO	:	Order Docketing and Dismissing
INDIANS OF CALIFORNIA	:	Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 00-83-A
	:	
ASSISTANT SECRETARY - INDIAN	:	
AFFAIRS	:	
Appellee	:	June 19, 2000

The Scotts Valley Band of Pomo Indians of California has filed a notice of appeal from the “near-reservation” designation made for it by the Assistant Secretary - Indian Affairs. The designation was included in a document titled “Notice of Near-Reservation Designations for California Tribes,” 65 Fed. Reg. 31188 (May 16, 2000), which was published pursuant to 25 C.F.R. § 20.1(r) and which states that its purpose is to give notice of the locales designated by the Assistant Secretary “as ‘near-reservation’ areas appropriate for the extension of [Bureau of Indian Affairs] financial assistance and/or social services.” Id.

Because the Band’s “near-reservation” designation was made by the Assistant Secretary, the Board lacks authority to review it. See, e.g., Kawerak, Inc. v. Assistant Secretary - Indian Affairs, 28 IBIA 66 (1995), and cases cited therein. (The Board lacks jurisdiction to review decisions made by the Assistant Secretary, except where a matter is specially referred to the Board by the Secretary or Assistant Secretary or where a right of review is established by regulation.) No special referral has been made in this case, and no regulation gives the Board authority to review a “near-reservation” designation made by the Assistant Secretary under 25 C.F.R. § 20.1(r).

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