



INTERIOR BOARD OF INDIAN APPEALS

Big Valley Band of Pomo Indians v. Pacific Regional Director,  
Bureau of Indian Affairs

36 IBIA 48 (03/05/2001)



# United States Department of the Interior

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

BIG VALLEY BAND OF POMO INDIANS,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 01-52-A
PACIFIC REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 5, 2001

This is an appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official." The Big Valley Band of Pomo Indians (Appellant) seeks review of the failure of the Pacific Regional Director, Bureau of Indian Affairs, to respond to its requests for action on two trust acquisition applications and its request for an accounting of \$3,000 in reprogrammed funds, which were to be used for expanding the capabilities of BIA in processing trust acquisition applications.

Upon receipt of Appellant's notice of appeal, the Board issued an order authorizing the Regional Director to proceed with responses to Appellant's requests and requiring that he provide a status report to the Board by February 26, 2001.

The Regional Director's status report has been received. It describes the actions presently being taken on Appellant's trust acquisition requests. It also provides an accounting of the reprogrammed funds and a status report on the efforts of the Superintendent, Central California Agency, BIA, to recruit additional staff to process trust acquisition applications.

Clearly, BIA is taking action on Appellant's requests. It is the Board's practice in such circumstances to dismiss appeals brought under 25 C.F.R. § 2.8, in order to permit BIA to continue with its efforts. See, e.g., Williams v. Phoenix Area Director, 33 IBIA 22 (1998), and cases cited therein.

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 and dismissed without prejudice.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge