



INTERIOR BOARD OF INDIAN APPEALS

State of South Dakota and Moody County, South Dakota v. Great Plains Regional Director,
Bureau of Indian Affairs

37 IBIA 4 (10/09/2001)



United States Department of the Interior

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

STATE OF SOUTH DAKOTA	:	Order Vacating Decision
and	:	and Remanding Matter
MOODY COUNTY, SOUTH DAKOTA	:	to the Regional Director
Appellants	:	
	:	
	:	Docket Nos. IBIA 01-133-A
v.	:	IBIA 01-134-A
	:	
GREAT PLAINS REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 9, 2001

These are appeals from a May 3, 2001, decision of the Great Plains Regional Director, Bureau of Indian Affairs, to take 310 acres in Moody County, South Dakota, into trust for the Flandreau Santee Sioux Tribe.

During briefing, the Regional Director sought remand of this matter so that she could reconsider her decision in light of any comments received from Flandreau Township and the City of Flandreau after those entities are given notice of the proposed acquisition. She conceded that she had not given notice to these entities under 25 C.F.R. § 151.10 and that both entities were entitled to notice. While she disputed Appellants' contention that Flandreau Public School District No. 50-3 was also entitled to notice, she stated that she was willing to provide notice to the School District upon remand in order to avoid the delay that would result from full briefing of this question before the Board.

The Board gave other parties an opportunity to respond to the Regional Director's motion for remand.. Appellants have filed a response in which they agree that remand is appropriate. The Tribe has not responded.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's May 3, 2001, decision is vacated, and this matter is remanded to her for further consideration.

Upon remand, the Regional Director shall give notice under 25 C.F.R. § 151.10 to Flandreau Township, the City of Flandreau, and Flandreau Public School District No. 50-3 and shall consider any comments received from those entities. Upon issuance of a new

decision, the Regional Director shall provide notice of her decision to all interested parties, including present Appellants. If she again decides to take the land into trust, any interested party, including present Appellants, may appeal to the Board..

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge