



INTERIOR BOARD OF INDIAN APPEALS

Marlene Dawson v. Northwest Regional Director, Bureau of Indian Affairs

39 IBIA 213 (12/11/2003)

Petition for reconsideration dismissed:

47 IBIA 171



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

MARLENE DAWSON,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 04-19-A
	:	
NORTHWEST REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	December 11, 2003

Appellant Marlene Dawson has filed a notice of appeal with the Board of Indian Appeals (Board). Appellant apparently seeks review of every decision issued by the Northwest Regional Director, Bureau of Indian Affairs (Regional Director; BIA), approving a trust land acquisition for the Lummi Tribe. The Board finds that it can issue an expedited decision in this matter because Appellant included an extensive statement of reasons with her notice of appeal. It does so in consideration of the fact that related proceedings are, according to Appellant, presently pending in Federal court. For the reasons discussed below, the Board docketed this appeal, but dismisses it for lack of standing.

In her statement of reasons, Appellant specifically discusses her standing. She argues that she has standing because she is a defendant “in the Lummi Peninsula Water Suit. This is a pending suit in the United States District Court the docket number being CO1-00472.” Statement of Reasons at 17. Appellant states that she is “also a resident of Sandy Point who has been negatively affected by the tribe’s claim of tideland ownership and an associated tideland lease. I also have a piece of property that borders a fence that [the Lummi Indian Business Council] created around a well field on property purported to be leased through [the Department of the] Interior.” Id.

Appellant provides no support for her assertion that her status as a defendant in a Federal court case, her place of residency, or her land ownership in general gives her standing to challenge all trust land acquisition decisions issued by BIA. In addition to this lack of support, the Board has specifically discussed standing to contest a trust land acquisition before it. See *Evitt v. Acting Pacific Regional Director*, 38 IBIA 77 (2002), and cases there. It finds that Appellant has also not shown that she falls within any category of persons which it has found to have standing to challenge a trust acquisition decision. Therefore, it finds that Appellant has not shown that she has standing to bring this appeal.

Because it has found that Appellant failed to show she has standing to bring this appeal, it is arguably unnecessary for the Board to address any of her other assertions. However, it comments on her assertion that she should not be held to any time restrictions for filing an appeal because she is a former member of the Whatcom County Council and the Council was not provided with “decisions or memorandums with an analysis using the points required under 25 C.F.R. 151.10” that BIA issued in regard to prior decisions on trust land acquisitions. Statement of Reasons at 18. Appellant here attempts to assert rights allegedly owed to the Council, not to her personally. She has not, however, made any attempt to show that she can assert any right that the Council may have to support her personal legal position.

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 dismissed for lack of standing.

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// original signed  
Kathryn A. Lynn  
Administrative Judge

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// original signed  
Kathleen R. Supernaw  
Acting Administrative Judge