



INTERIOR BOARD OF INDIAN APPEALS

Snohomish County, Washington v.
Acting Northwest Regional Director, Bureau of Indian Affairs

40 IBIA 44 (06/30/2004)

Related Board case:

40 IBIA 45



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

SNOHOMISH COUNTY, WASHINGTON,	:	Order Docketing and Dismissing
Appellant,	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 04-110-A
ACTING NORTHWEST REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	June 30, 2004

On June 7, 2004, the Board of Indian Appeals (Board) received a notice of appeal from Snohomish County, Washington, through counsel, Thomas M. Fitzpatrick, Esq. and Steven J. Bladek, Esq. (County). The County sought review of an April 20, 2004, decision of the Acting Northwest Regional Director, Bureau of Indian Affairs (Regional Director), which granted the request of the Stillaguamish Tribe of Indians to have a 2.30-acre property, referred to as "Jeffries - Lot 1," in the County of Snohomish, Washington, taken into trust. For the reasons discussed below, the Board docketed this appeal but dismisses it as untimely.

On June 15, 2004, based on uncertainty whether the appeal had been timely filed, the Board ordered the County to certify as to when it first received notification of the April 20, 2004, decision. Under 43 C.F.R. § 4.332(a), a notice of appeal must be filed with the Board within thirty days after appellant receives the decision from which the appeal is taken. The 30-day time period is jurisdictional. Id.

In response to the Board's June 15, 2004, order, the County made appropriate inquiries and determined, with candor, that this appeal was not timely filed and should be dismissed. The Board accepts the County's explanation indicating that it was acting in good faith at the time it filed the appeal.

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 for lack of jurisdiction.

// original signed
Colette J. Winston
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge