



INTERIOR BOARD OF INDIAN APPEALS

J. Thomas Development of N.M., Inc. v. Southwest Regional Director,
Bureau of Indian Affairs

40 IBIA 230 (02/01/2005)



United States Department of the Interior

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

J. THOMAS DEVELOPMENT OF N. M.,
INC.,
Appellant,
v.
SOUTHWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee.

: Order Dismissing Appeal
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: Docket No. IBIA 04-104-A
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: February 1, 2005

Appellant J. Thomas Development of N.M., Inc., sought review of an April 20, 2004, decision of the Southwest Regional Director, Bureau of Indian Affairs, (Regional Director; BIA) concerning a remand to the Superintendent of the Ute Mountain Ute Agency, which appeared to advise the Superintendent to cancel four Ute Mountain Ute Tribal oil and gas Indian Minerals Development Agreements (M00-C-1420-4387, M00-C-1420-4388, M00-C-1420-4389, and 751-88-0001) on land located in San Juan County, New Mexico.

On December 6, 2004, the Board of Indian Appeals (Board) received a joint stipulation of clarification and motion to dismiss appeal, stating that the parties agreed to a clarification of the April 20, 2004, decision on appeal.

The clarification states that the four leases have never been cancelled or terminated and have not expired as of April 20, 2004. The parties' clarification also states that the April 20, 2004, decision did not direct the Superintendent to take any specific action regarding the four leases, but merely vacated the Superintendent's original February 25, 2003, Notice of Expiration/Termination. According to the parties, these points of clarification render the appeal moot.

On December 9, 2004, the Board issued an order allowing responses on or before January 7, 2005, from all interested parties, including the Ute Mountain Ute Tribe (Tribe) which had filed a motion to intervene asserting that it has an interest in participating in any settlement of this appeal. The Board received no responses to its order from any interested parties, including the Tribe.

The parties' joint motion to dismiss the appeal is granted. The Board appreciates the parties' successful efforts to settle this matter.

Pursuant to the authority delegated to the Board by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed on the basis of a settlement reached between the parties.

// original signed
Colette J. Winston
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge