



## INTERIOR BOARD OF INDIAN APPEALS

Eric and Marianne Besaw and Jim Nichols v. Northwest Regional Director,  
Bureau of Indian Affairs

49 IBIA 117 (04/24/2009)

Related Board cases:

51 IBIA 152

51 IBIA 170



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ERIC and MARIANNE BESAW and	)	Order Dismissing Appeals
JIM NICHOLS,	)	
Appellants,	)	
	)	
v.	)	Docket Nos. IBIA 08-88-A and 08-90-A
	)	
NORTHWEST REGIONAL	)	
DIRECTOR, BUREAU OF	)	
INDIAN AFFAIRS,	)	
Appellee.	)	April 24, 2009

Appellants Eric and Marianne Besaw and Jim Nichols appealed to the Board of Indian Appeals (Board) from a March 31, 2008, “record of decision” of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), adopting “Alternative B” of a Final Programmatic Environmental Impact Statement for implementation through a Tribal Integrated Resource Management Plan for the Coeur d’Alene Tribe. At the request of the named parties, we dismiss their appeals.<sup>1</sup>

At the request of the parties, the Board stayed appeal proceedings while the parties sought to negotiate a settlement. On April 6, 2009, the Board received a “Joint Motion to Dismiss Appeals of Eric and Marianne Besaw and Jim Nichols as Settled” based on a settlement reached among these parties and BIA.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses the appeals of Appellants

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<sup>1</sup> These appeals were consolidated with two other appeals from the Regional Director’s decision. The remaining appeals by Rogers Hardy and Antonia M. Hardy (Docket No. IBIA 08-89-A) and Dean C. Gentry (Docket No. IBIA 08-91-A) are not affected by this dismissal.

Eric and Marianne Besaw and Jim Nichols (Docket Nos. 08-88-A and 08-90-A). The Board appreciates the efforts devoted by the parties to mediating their disagreements.<sup>2</sup>

I concur:

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// original signed  
Debora G. Luther  
Administrative Judge

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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<sup>2</sup> Attached to the parties' Joint Motion to Dismiss was a copy of the settlement agreement. Pursuant to the Board's practice when parties seek dismissal of an appeal based on a settlement of the dispute, the Board expresses no opinion concerning the merits of the parties' agreement.