



INTERIOR BOARD OF INDIAN APPEALS

Lantana Real Estate and U&I Redevelopment v. Northwest Regional Director,
Bureau of Indian Affairs

51 IBIA 284 (06/03/2010)

Related Board cases:

44 IBIA 240

49 IBIA 256



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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LANTANA REAL ESTATE AND)	Order Docketing and
U&I REDEVELOPMENT,)	Dismissing Appeal
Appellants,)	
)	
v.)	
)	Docket No. IBIA 10-076
NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	June 3, 2010

Lantana Real Estate and U&I Redevelopment (Appellants), through Marlene Dawson, filed an appeal with the Board of Indian Appeals (Board), which was captioned as a motion “to extinguish \$4,164.55 lien on irrigation fees.” Attached to the notice of appeal was a copy of a February 24, 2010, letter from the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA) to Dawson, stating that the outstanding operation and maintenance (O&M) bills for 2002 through 2006 that the Board upheld in *U&I Redevelopment LLC v. Acting Northwest Regional Director*, 49 IBIA 256 (2009), are due and owing.¹ Also attached to the notice of appeal was a copy of a December 19, 2009, letter to Appellants from the U.S. Department of the Treasury (Treasury), stating that Appellants’ unpaid delinquent irrigation debt had been referred to Treasury for collection. According to the Treasury letter, Appellants’ unpaid debt was in the amount of \$3,203.50, and with fees, interest, and penalties as of December 19, 2009, Appellants must immediately pay \$4,164.55 to avoid further collection action and additional charges.

Upon receipt of the appeal, the Board issued an order for Appellants to show cause why this appeal should not be dismissed. The Board noted that a debt collection letter from Treasury is not appealable to the Board, and that the Regional Director’s February 24, 2010, letter appeared to be implementing collection on the O&M bills that had been upheld

¹ In *U&I Redevelopment*, the Board upheld BIA’s O&M assessments against Appellant’s property within the Wapato Irrigation Project for 2002-2005, and for 2006 as revised by the Regional Director to omit lands no longer owned by Appellants. *See* 49 IBIA at 263, 266-69.

by the Board, and not a new decision. To the extent that Appellants might be seeking to appeal from new or revised O&M bills that were not subject to the affirmance in *U&I Redevelopment LLC*, 49 IBIA 256, the Board provided Appellants with an opportunity to clarify and identify what action by BIA they seek to appeal.² Appellants' response was due April 30, 2010. The Board advised Appellants that if they failed to respond to the order, their appeal might be dismissed without further notice.

The Board has received no response from Appellants.

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 docketed this appeal but dismisses it for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Sara B. Greenberg
Administrative Judge*

*Interior Board of Land Appeals, sitting by designation.

² Appellants' notice of appeal refers to a bill for \$2,533.90 and suggests that their 2007 appeal from this bill was never resolved and "the issue of the wrong acreage was never addressed." Notice of Appeal at 2. In its order to show cause, the Board noted that if Appellants were referring to WIP's bill for \$2,533.90 for 2007 O&M assessments for a 43.75-acre parcel, the Regional Director had reduced that bill to Appellants to \$483.40, based on 7.36 acres, and the Board subsequently *vacated* the Regional Director's decision on the revised 2007 assessment and remanded the matter for him to consider Appellants' request to have their property redesignated as permanently nonirrigable pursuant to 25 U.S.C. § 389b. See *U&I Redevelopment*, 49 IBIA at 261, 263, 267, and 269-70.