



INTERIOR BOARD OF INDIAN APPEALS

Woods Petroleum Corp. v. Assistant Secretary-Indian Affairs

14 IBIA 178 (07/15/1986)

Judicial review of Assistant Secretary's decision:

Affirmed, No. Civ 86-1623-A (W.D. Okla. Dec. 22, 1988)

Reversed, 18 F.3d 854 (10th Cir. 1994)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

WOODS PETROLEUM CORPORATION, Appellant	:	Order Docketing and Dismissing Appeal
v.	:	Docket No. IBIA 86-50-A
ASSISTANT SECRETARY-- INDIAN AFFAIRS, Appellee	:	July 15, 1986

On July 7, 1986, the Board of Indian Appeals (Board) received a notice of appeal from Woods Petroleum Corporation (appellant), through counsel, Kent L. Jones, Esq., and Orval E. Jones, Esq., Tulsa, Oklahoma. Appellant seeks review of a May 15, 1986, decision signed by the Assistant Secretary--Indian Affairs. The decision concerns a communitization agreement encompassing restricted Indian lands (Walking Woman and Medicine Woman allotments) held under leases 14-20-205-7048, 14-20-205-7049, and 14-20-205-7050. The decision holds that the referenced leases had expired, and concludes: "This decision is final for the Department of the Interior."

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

A copy of the May 15, 1986, decision was attached to the notice of appeal. The decision was signed by the Assistant Secretary--Indian Affairs and states that it is final for the Department. Because the Assistant Secretary has the authority to issue decisions final for the Department, the Board does not have general review authority over his decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. See, e.g., Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.14. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Assistant Secretary's May 15, 1986, decision must be dismissed.

//original signed
Anita Vogt
Administrative Judge

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Jerry Muskrat
Administrative Judge