



INTERIOR BOARD OF INDIAN APPEALS

Spokane Tribe of Indians v. Acting Assistant Secretary - Indian Affairs

18 IBIA 379 (07/19/1990)

Related Board case:
18 IBIA 383



United States Department of the Interior

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

SPOKANE TRIBE OF INDIANS, : Order Docketing and Dismissing
Appellant : Appeal
: :
v. : :
: :
ACTING ASSISTANT SECRETARY - : Docket No. IBIA 90-117-A
INDIAN AFFAIRS, : :
Appellee : July 19, 1990

On July 18, 1990, the Board of Indian Appeals received a notice of appeal from the Spokane Tribe of Indians, through counsel, Candy L. Jackson, Esq., Spokane, Washington. Appellant seeks review of a June 15, 1990, decision of the Acting Assistant Secretary - Indian Affairs concerning the use of the Sherwood Mine.

Decisions rendered by the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. See Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs, 11 IBIA 168 (1983). Decisions made by the Assistant Secretary - Indian Affairs are final for the Department of the Interior unless the Assistant Secretary provides otherwise in the decision. 25 CFR 2.6(c). The Acting Assistant Secretary's June 15, 1990, decision does not provide for review by the Board. The Board therefore has no authority to review it.

Accordingly, 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 Acting Assistant Secretary's June 15, 1990, decision is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge