



INTERIOR BOARD OF INDIAN APPEALS

Northern Cheyenne Pine Co. v. Billings Area Director, Bureau of Indian Affairs

19 IBIA 156 (01/25/1991)



United States Department of the Interior

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

NORTHERN CHEYENNE PINE CO.,	:	Order Dismissing Appeal Without
Appellant	:	Prejudice
	:	
v.	:	
	:	Docket No. IBIA 90-124-A
BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 15, 1991

Appellant Northern Cheyenne Pine Co. sought review by the Board of Indian Appeals (Board) of a June 1, 1990, decision of the Billings Area Director, Bureau of Indian Affairs (Area Director), concerning the inclusion of alternate page 3b of Form 5-5324 in the Woodsprings and other logging unit contracts entered into between appellant and the Northern Cheyenne Tribe. On September 5, 1990, the Board was informed that the parties were engaged in settlement negotiations. Accordingly, by order of September 7, 1990, the Board stayed further proceedings before it pending resolution of the settlement negotiations.

By letter dated January 2, 1991, appellant informed the Board that an oral stipulation had been reached, and would be forwarded to the Board as soon as it was signed by both parties. The Board received the signed agreement on January 14, 1991. The agreement states in part:

2. [Appellant] agrees to dismiss this current appeal with the understanding that no adjustment to stumpage rates is proposed at the present time and specifically reserves the right to refile or reinstate this appeal. By agreeing to the inclusion of the disputed page 3b, [appellant] does not admit its validity, if the BIA proposes to adjust stumpage rates under purported authority of alternative page 3b.

Based upon the settlement reached between the parties, and 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 June 1, 1990, decision of the Billings Area Director is dismissed without prejudice.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge