



INTERIOR BOARD OF INDIAN APPEALS

Coast Indian Community of the Resighini Reservation v.  
Deputy Commissioner of Indian Affairs

21 IBIA 183 (02/10/1992)



# United States Department of the Interior

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

COAST INDIAN COMMUNITY OF THE	:	Order Affirming Decision
RESIGHINI RESERVATION,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 92-4-A
	:	
DEPUTY COMMISSIONER OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	February 10, 1992

Appellant Coast Indian Community of the Resighini Reservation seeks review of an August 13, 1991, decision of the Deputy Commissioner of Indian Affairs, Bureau of Indian Affairs (BIA), denying appellant's grant application under the Small Tribes Program. The Deputy Commissioner's decision states:

The application did not rank high enough among the 109 tribal applications received to be considered for a grant under the terms of the announcement. The application was weak or deficient in these areas:

1. The needs/problems statements scored very low because it was vague and supportive documentation was not available and/or was not adequate. For instance, there was no support for the stated need to a tribal manager.

2. The program narrative statement also scored very low. The FEDERAL REGISTER announcement was very clear on the fact that the applicant had to address and attempt to resolve problems that it cited in its needs/problems statements. Our reviewers found little correlation between the needs/problems statements and the activities which might be devised to resolve them.

3. The needs/problems and program narrative statement deficiencies also have a negative impact on other parts of the application; e.g., the budget and its reasonableness of costs, self-monitoring, etc.

Initially, the Board notes that its role in reviewing BIA decisions concerning grants under the Small Tribes Program is not to substitute its judgment for that of BIA, but rather to ensure that proper consideration was given to all legal prerequisites to the exercise of discretion. Furthermore, the Board has held that the appellant bears the burden of proving error in the decision not to fund its application. Sauk-Suiattle Indian

Tribe v. Portland Area Director, 20 IBIA 238 (1991), and cases cited therein.

In its statement of reasons, appellant alleges that it provided an adequate showing of its needs/problems; that it was self-evident that the solution to its problems was providing full-time employment and training for the present tribal manager and developing a computerized accounting system; and that it is essential for it to strengthen the profit-making potential of existing tribal enterprises and to explore the feasibility of new enterprises. Appellant supports its arguments through summarizations of the information presented in its application.

It is clear that appellant disagrees with the conclusions reached by the Deputy Commissioner. Such disagreement does not, however, show that the decision was in error. The fact that a tribe may need additional funds does not equate with a finding that it is entitled to receive such funds under the competitive Small Tribes Program. See Nooksack Indian Tribe v. Deputy Commissioner of Indian Affairs, 21 IBIA 155 (1992); Stillaquamish Tribe v. Portland Area Director, 18 IBIA 89 (1989).

The Board has reviewed appellant's application, the comments of the individuals who reviewed the application, and appellant's objections to the Deputy Commissioner's decision. It finds that appellant has not sustained its burden of proving error in the Deputy Commissioner's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the August 13, 1991, decision of the Deputy Commissioner for Indian Affairs is affirmed.

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//original signed  
Kathryn A Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge