



INTERIOR BOARD OF INDIAN APPEALS

Mr. and Mrs. Charles Connelly, et al. v. Acting Phoenix Area Director,
Bureau of Indian Affairs

22 IBIA 62 (06/02/1992)

Related Board cases:

21 IBIA 140

21 IBIA 142

22 IBIA 64



United States Department of the Interior

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

MR. AND MRS. CHARLES CONNELLY,	:	Order Docketing Appeal and
MR. AND MRS. WELTON CROSBY,	:	Summarily Affirming Decision
MR. AND MRS. G. B. SAUCERMAN,	:	
THOMAS AND CATHERINE WILSON;	:	
and THOMAS AND MARIE WILSON,	:	
Appellants	:	
	:	Docket No. IBIA 92-147-A
v.	:	
	:	
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 2, 1992

This is the second appeal filed by appellants. The first was an attempt to appeal a letter of the Chemehuevi Indian Tribe concerning leases of tribal land at Lake Havasu. The Board dismissed that appeal on January 8, 1992, for lack of jurisdiction. 21 IBIA 142.

Appellants then wrote to the Phoenix Area Director, Bureau of Indian Affairs, demanding that the Area Director extend appellants' permits for use of the lands at issue, regardless of whether the Tribe consented to the terms of the extension. The Acting Area Director responded by letter of March 13, 1992, holding that he had no authority to extend the permits without the Tribe's consent. He cited, *inter alia*, a Secretarial Order of November 1, 1974, which confirmed the Tribe's equitable title to the lands. Appellants now appeal from the Acting Area Director's letter.

Because it appeared from the notice of appeal that what appellants really seek is a ruling that the lands concerned are not tribal lands but, rather, public lands of the United States, the Board ordered appellants to show why the Acting Area Director's decision should not be summarily affirmed.

In their response, appellants argue that the lands are public lands and that the Secretary had no authority in 1974 to recognize the Tribe's title. Appellants fail to show that the Area Director erred in concluding that tribal consent was required before appellants could be issued permits or leases for tribal land. Further, appellants fail to show that either the Area Director or this Board has any authority to disregard the plain language of the Secretarial Order concerning ownership of the lands.

The Board finds that both the Area Director and the Board are bound by the Secretarial Order.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Phoenix Area Director's March 13, 1992, decision is summarily affirmed. 1/

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Appellants move to consolidate their appeal with Havasu Lake Betterment Association, Inc. v. Phoenix Area Director, Docket No. IBIA 92-151-A, and to reassign the appeal to the Secretary or to another appeals board.

There is no need to consolidate this appeal with Havasu Lake Betterment Association, Inc. because both are being decided today. See 22 IBIA 64. The Board has no authority to reassign the appeal. Therefore, appellants' motion is denied.