



## INTERIOR BOARD OF INDIAN APPEALS

Havasu Lake Betterment Ass'n v. Phoenix Area Director, Bureau of Indian Affairs

22 IBIA 64 (06/02/1992)

Related Board cases:

21 IBIA 140

21 IBIA 142

22 IBIA 62



# United States Department of the Interior

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

HAVASU LAKE BETTERMENT ASSOCIATION, INC., Appellant	:	Order Docketing Appeal and Summarily Affirming Decision
	:	
	:	
v.	:	
	:	Docket No. IBIA 92-151-A
PHOENIX AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	
	:	June 2, 1992

This is the second appeal filed by Havasu Lake Betterment Association, Inc. 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 140.

Appellant then wrote to the Phoenix Area Director, Bureau of Indian Affairs, demanding that the Area Director issue a number of rulings relating to the lands in question. The Area Director responded by letter of March 31, 1992, citing, *inter alia*, a Secretarial Order of November 1, 1974, which confirmed the Tribe's equitable title to the lands. Appellant now appeals from the Area Director's letter.

Because it appeared from the notice of appeal that what appellant really seeks is a ruling that the lands concerned are not tribal lands but, rather, public lands of the United States, the Board ordered appellant to show why, in light of the 1974 Secretarial Order, the Area Director's decision should not be summarily affirmed.

In its response, appellant challenges the Secretarial order, contending that it was void ab initio. Appellant fails to show, however, that either the Area Director or this Board has any authority to rule that the Secretarial Order is void ab initio or otherwise invalid.

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 Phoenix Area Director's March 31, 1992, decision is summarily affirmed.

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge