



INTERIOR BOARD OF INDIAN APPEALS

Swinomish Tribal Community and Shelter Bay Company v. Portland Area Director,  
Bureau of Indian Affairs

30 IBIA 89 (10/31/1996)

Denying reconsideration of:  
30 IBIA 13

Request for Secretarial review denied on April 1, 1997



# United States Department of the Interior

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

SWINOMISH TRIBAL COMMUNITY,	:	Order Denying Reconsideration
Appellant	:	
and	:	
	:	
SHELTER BAY COMPANY,	:	
Appellant	:	Docket Nos. IBIA 95-136-A
	:	IBIA 95-143-A
v.	:	
	:	
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 31, 1996

The Board's decision in this case was issued on September 23, 1996. 30 IBIA 13. On October 23, 1996, the Board received a petition for reconsideration from the Swinomish Tribal Community (Tribe).

The Tribe clearly disagrees with the Board's decision. However, disagreement with a decision issued by the Board does not constitute the extraordinary circumstances contemplated in 43 C.F.R. 4.315(a). As stated in that provision: "Reconsideration of a decision by the Board will be granted only in extraordinary circumstances." The arguments made in the Tribe's petition for reconsideration are, in essence, the same as those it made in the earlier proceedings. The Board has already considered and rejected those arguments.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. 4.1, the Tribe's petition for reconsideration is denied.

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Anita Vogt  
Administrative Judge

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Kathryn A. Lynn  
Chief Administrative Judge