



## INTERIOR BOARD OF INDIAN APPEALS

State of Kansas v. Acting Southern Plains Regional Director,  
Bureau of Indian Affairs

36 IBIA 10 (01/26/01)



# United States Department of the Interior

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

STATE OF KANSAS, Appellant	:	Order Docketing Appeal, Vacating Decision, and Remanding Matter to the Regional Director
v.	:	
ACTING SOUTHERN PLAINS REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	Docket No. IBIA 01-45-A  January 26, 2001

This is an appeal from a December 6, 2000, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs, to take an 80-acre tract in Jackson County, Kansas, 1/ into trust for the Prairie Band Potawatomi Nation.

On January 24, 2001, the Board received a request from the Regional Director to remand the case to him for further consideration. The Regional Director states that he makes the request "in light of newly discovered evidence not available for [his] consideration during the decision making process."

In the circumstances described by the Regional Director, and given the Board's limited review authority over trust acquisition decisions, there is no reason for the Board to retain jurisdiction over this appeal.

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 Acting Regional Director's December 6, 2000, decision is vacated, and this matter is remanded to him for further consideration.

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

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

1/ The tract, known as the "Williams tract," is described as the S 1/2, NW 1/4, sec. 35, T. 8 S., R. 14 E., 6th P. M., Jackson County, Kansas.