



INTERIOR BOARD OF INDIAN APPEALS

Max Small v. Rocky Mountain Regional Director, Bureau of Indian Affairs

36 IBIA 53 (03/07/2001)



United States Department of the Interior

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

MAX SMALL,	:	Order Dismissing Appeal as Moot
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 00-43-A
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	March 7, 2001

Appellant Max Small sought review of a December 30, 1999, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA), cancelling Lease No. C57-158 for Tribal Tract Nos. T-2027 and T-2030 on the Northern Cheyenne Reservation. The lease was cancelled for failure to pay rent. For the reason discussed below, the Board of Indian Appeals (Board) dismisses this appeal as moot.

The administrative record shows that the term of Lease No. C57-158 extended from January 1, 1996, through December 31, 2000. Thus, the lease expired by its own terms on December 31, 2000, rendering moot the issue of its cancellation. See, e.g., Henderson v. Portland Area Director, 34 IBIA 281 (2000), and cases cited therein.

In addition, this appeal was subject to dismissal on the merits. A tribal Land Committee made the decision to cancel Appellant's lease of tribal lands. On appeal, Appellant argued that the Land Committee was not properly constituted. His appeal thus arose from an intra-tribal dispute. In such cases the Board has routinely cited the Federal policy of respect for tribal courts and other tribal decisionmaking forums in abstaining from exercising whatever authority it might have in favor of allowing resolution of intra-tribal disputes within a tribal forum. See, e.g., Hunter v. Acting Navajo Area Director, 34 IBIA 13, 14 (1999), and extensive list of cases cited therein.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed as moot.

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Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge