



INTERIOR BOARD OF INDIAN APPEALS

William C. Tuttle v. Western Regional Director, Bureau of Indian Affairs

36 IBIA 291 (08/29/2001)

Denying Reconsideration of:

36 IBIA 254

Related Board cases:

41 IBIA 74

46 IBIA 216



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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WILLIAM C. TUTTLE, : Order Denying Reconsideration
Appellant :
 :
v. :
 :
WESTERN REGIONAL DIRECTOR, : Docket No. IBIA 01-135-A
BUREAU OF INDIAN AFFAIRS, :
Appellee : August 29, 2001

Appellant William C. Tuttle seeks reconsideration of the Board's August 8, 2001, order dismissing his appeal without prejudice. 36 IBIA 254. Appellant objects that he was not copied with a filing which the Board received on August 6, 2001, from the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA); he does not know what "mechanisms" the Regional Director may intend to use to attempt to resolve his dispute with the Colorado River Indian Tribes (CRIT); and the lease at issue here is unique. Appellant suggests that, without the Board's involvement, there is little likelihood that any real attempt will be made to resolve this dispute by either CRIT or BIA.

The Board apologizes to Appellant for overlooking the fact that his attorney was not listed as receiving a copy of the Regional Director's filing. In that filing, which responded to a June 5, 2001, order from the Board, the Regional Director commented: "While we do not agree with [Appellant's] premise that we have the authority to compel certain actions by CRIT, or a responsibility to enforce the lease against the tribal landowner, we do intend to work with CRIT to achieve a resolution of this long-standing dispute in the near future." The Board dismissed Appellant's appeal because the Regional Director was willing to work with the parties in an attempt to resolve this dispute, despite his concerns about the extent of permissible BIA involvement--concerns which the Board has shared from the beginning of this appeal.

The Board finds nothing in Appellant's petition for reconsideration which causes it to alter its opinion that the Regional Director should be permitted to work with CRIT and Appellant in an attempt to resolve this dispute. As the Board has frequently stated, it strongly encourages voluntary and cooperative resolution of disputes brought before it. Furthermore, the Board does not doubt that, having undertaken this task, the Regional Director will provide an appropriate forum for the full airing of the issues involved. If needed, the Department's Alternative Dispute Resolution program is available to assist him in providing such a forum.

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

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge