



INTERIOR BOARD OF INDIAN APPEALS

Hayes Township, Michigan v. Midwest Regional Director, Bureau of Indian Affairs

36 IBIA 303 (09/14/2001)



# United States Department of the Interior

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

HAYES TOWNSHIP, MICHIGAN, : Order Docketing and Dismissing Appeal  
Appellant :  
 :  
v. :  
 :  
 : Docket No. IBIA 01-158-A  
MIDWEST REGIONAL DIRECTOR, :  
BUREAU OF INDIAN AFFAIRS, :  
Appellee : September 14, 2001

Appellant Hayes Township, Michigan, sought review of a June 15, 2001, decision of the Midwest Regional Director, Bureau of Indian Affairs (Regional Director), concerning taking a tract of land located in Charlevoix County, Michigan, into trust status for the Little Traverse Bay Bands of Odawa Indians. In an order dated July 16, 2001, the Board of Indian Appeals (Board) noted:

The basis for the Regional Director's decision is contained in his statement that "the trust acquisition is mandated for the Little Traverse Bay Bands of Odawa Indians pursuant to 25 U.S.C. 1300k-4(a). The Federal Court upheld the Department of [the] Interior's interpretation of 25 U.S.C. §1300k-4(a) in Sault Ste. Marie Tribe of Lake Superior Chippewa Indians v. United States and Little Traverse Bay Bands of Odawa Indians, 78 F. Supp. 2d 699 (W.D. Mich. 1999)."

Appellant's notice of appeal does not challenge the Regional Director's conclusion that this trust acquisition is mandated by statute. Instead, it raises only issues relating to land use.

In order to prevail in this appeal, Appellant must show error in the Regional Director's decision that this trust acquisition is mandated by law. From the materials presently before the Board, it does not appear that Appellant intends to challenge that decision.

Appellant is given until August 10, 2001, to inform the Board whether it intends to challenge the Regional Director's conclusion of law. If Appellant indicates that it is challenging that decision, this appeal will go forward. If Appellant either does not respond to this order or states that it does not intend to challenge the Regional Director's conclusion of law, this appeal will be dismissed.

Appellant has not responded to the Board's order.

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 appeal is docketed but dismissed for failure to prosecute.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge