



INTERIOR BOARD OF INDIAN APPEALS

David R. Cloud v. Acting Eastern Oklahoma Regional Director,
Bureau of Indian Affairs

37 IBIA 126 (01/31/2002)

Related Board case:
29 IBIA 31



United States Department of the Interior

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

DAVID R. CLOUD,	:	Order Docketing Appeal and
Appellant	:	Affirming Decision
	:	
v.	:	
	:	Docket No. IBIA 02-32-A
ACTING EASTERN OKLAHOMA	:	
REGIONAL DIRECTOR, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	January 31, 2002

This is an appeal from a November 7, 2001, decision of the Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning a request made by David R. Cloud (Appellant) for an assignment of the mineral interest in a tract described as the E 1/2 SE 1/4, sec. 4, T. 15 N., R. 9 E., Indian Meridian, Creek County, Oklahoma, a portion of the former allotment of Appellant's grandfather, David Cloud, Creek 3429.

In a March 15, 1994, decision, the Acting Muskogee Area Director ^{1/} declined to assign the mineral interest in this tract to Appellant's father, Clarence Cloud. The Board affirmed the Area Director's decision in Cloud v. Acting Muskogee Area Director, 29 IBIA 31 (1995). The Board's decision in Cloud includes an extensive discussion of the background of this matter.

The Regional Director stated in his November 7, 2001, decision that there have been no changes in circumstances that would cause him to alter the 1994 decision.

Appellant's notice of appeal to the Board did not allege any change of circumstances since 1994. Nor did it allege error in the Regional Director's November 7, 2001, decision. Therefore, the Board gave Appellant an opportunity to show a change in circumstances or an error in the Regional Director's decision.

Appellant's response states in its entirety: "I believe that the circumstances have changed since 1994 in that the Bureau of Indian Affairs does not know what happened to millions of

^{1/} The official now known as the Eastern Oklahoma Regional Director was formerly known as the Muskogee Area Director.

dollars in Indian mineral right money. And I would be better to look after what little land that was left to my great grandfather.”

As far as the Board is aware, Appellant’s father, Clarence Cloud, still holds an assignment of the surface interest in the tract at issue here. Neither the Regional Director nor Appellant has stated otherwise. In any event, all that is at issue here is the mineral interest.

The Regional Director stated in his decision that there is presently no mineral development activity on the tract. Appellant does not dispute that statement. Thus, it seems apparent that the BIA problems to which Appellant refers are not relevant to this tract at this time.

The Board finds that Appellant has failed to show a change in circumstances or an error in the Regional Director’s November 7, 2001, decision.

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, and the Regional Director’s November 7, 2001, decision is affirmed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge