



INTERIOR BOARD OF INDIAN APPEALS

Rocky Crossing Ranch Co. and Sam J. Bitz v. Rocky Mountain Regional Director,  
Bureau of Indian Affairs

38 IBIA 1 (07/01/2002)

Related Board cases:

23 IBIA 286

Reconsideration denied, 24 IBIA 10



# United States Department of the Interior

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

ROCKY CROSSING RANCH CO.	:	Order Docketing and Dismissing Appeal
and SAM J. BITZ,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 02-120-A
	:	
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	July 1, 2002

On June 25, 2002, the Board of Indian Appeals received a notice of appeal from the Rocky Crossing Ranch Co. and Sam J. Bitz, its President. Appellants seek review of a May 17, 2002, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs, concerning plans for removal of stockpiled gravel from property in which Appellant Bitz owns the surface estate. 1/

At the Board's request, the Regional Director's office furnished a copy of the certified mail return receipt (green card) for Appellants' copy of the Regional Director's decision. The green card was signed by Appellant Bitz and shows that he received the decision on May 20, 2002.

Appellants' notice of appeal to the Board is dated and postmarked June 20, 2002, more than 30 days after May 20, 2002.

The Regional Director's decision stated:

My decision may be appealed to the Interior Board of Indian Appeals,  
\* \* \*. Your notice of appeal must be signed by you or your attorney and must  
be mailed within 30 days of the date you receive this decision.

\* \* \* \* \*

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1/ This is the same property which was at issue in Bitz v. Acting Billings Area Director, 23 IBIA 286, recon. denied, 24 IBIA 10 (1993). The Board there held that gravel underlying the surface estate is owned by the Chippewa Cree Tribe of the Rocky Boy's Reservation.

\* \* \* If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. **No** extension of time may be granted for filing a notice of appeal.

Appellants were given correct appeal instructions but failed to file a timely notice of 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, this appeal is docketed but is dismissed as untimely.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge