



INTERIOR BOARD OF INDIAN APPEALS

Chemehuevi Indian Tribe v. Western Regional Director, Bureau of Indian Affairs

38 IBIA 134 (10/18/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

CHEMEHUEVI INDIAN TRIBE,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 01-97-A
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 18, 2002

Appellant Chemehuevi Indian Tribe (Tribe) sought review of the disapproval of its Use of Net Gaming Revenues Ordinance (Ordinance). The Western Regional Director, Bureau of Indian Affairs (Regional Director), issued the initial disapproval decision on August 21, 2000. On September 15, 2000, the Acting Deputy Commissioner of Indian Affairs concurred in the decision. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal as moot.

On November 13, 2000, the Assistant Secretary - Indian Affairs (Assistant Secretary) assumed jurisdiction over the appeal under 25 C.F.R. § 2.20(c) and 43 C.F.R. § 4.332(b). On March 26, 2001, the Board received a motion from Appellant asking it to reassume jurisdiction over the appeal under 25 C.F.R. § 2.20(e).

By order dated March 28, 2001, the Board found that it had jurisdiction over the appeal and requested that the administrative record and all pleadings filed in the matter be transferred to it. It informed the Assistant Secretary that, if he disputed any assertions made by Appellant, he could make those arguments when he transmitted the record.

After additional proceedings, the Board docketed the case on September 25, 2001. By order dated December 3, 2001, the Board established a briefing schedule.

On March 15, 2002, the Board received a joint stipulation from the parties. The stipulation stated that, at its March 30, 2001, Tribal Council meeting, the Tribe would amend the Ordinance in a manner acceptable to the Regional Director, but asked the Board to approve the Ordinance as it would be amended, even though the Tribe had not yet acted.

The Board did not grant advance approval. On April 17, 2002, it asked the parties to inform it as to whether or not the Ordinance had been amended at the March 30, 2002, Tribal

Council meeting. It was informed that the Ordinance had not been amended, but would be at the April 27, 2002, Tribal Council meeting. When the Board heard nothing further from the parties, on September 9, 2002, it requested a status report.

The Board received a joint status report on October 8, 2002. The report states that the Ordinance was amended, and that the amendment was approved by the Regional Director on June 12, 2002. A copy of the approval letter was included. The parties requested that the appeal be dismissed as moot.

The Board agrees that this appeal is now moot.

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 dismissed as moot.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge