



INTERIOR BOARD OF INDIAN APPEALS

City of Eagle Butte, South Dakota v. Great Plains Regional Director,
Bureau of Indian Affairs

38 IBIA 139 (10/18/2002)

Related Board case:
49 IBIA 75



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

CITY OF EAGLE BUTTE, SOUTH DAKOTA, : Order Vacating Decision
Appellant : and Remanding Case
 :
v. :
 :
 : Docket No. IBIA 02-58-A
GREAT PLAINS REGIONAL DIRECTOR, :
BUREAU OF INDIAN AFFAIRS, :
Appellee : October 18, 2002

Appellant City of Eagle Butte, South Dakota, seeks review of a January 23, 2002, decision of the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning the proposed trust acquisition of Lots 5 and 6, Block 8, City of Eagle Butte, Dewey County, South Dakota, for Margaret Eagle Staff, a member of the Cheyenne River Sioux Tribe (Tribe). For the reasons discussed below, the Board vacates the Regional Director's decision and remands this matter to her for further consideration.

The circumstances in this case are essentially the same as those in Ziebach County, South Dakota v. Great Plains Regional Director, 36 IBIA 201 (2001), which concerned a proposed trust acquisition for Carson G. Williams, also a member of the Tribe. On July 3, 2001, the Board vacated the Regional Director's decision in Ziebach County and remanded the matter to her for further development of an administrative record and issuance of a new decision.

In this case, as in Ziebach County, the Superintendent, Cheyenne River Agency, BIA, conducted the initial review of the trust acquisition application. His decision in this case was issued on July 31, 2001, and like his August 29, 2000, decision in Ziebach County, included only a cursory analysis under 25 C.F.R. § 151.10 and failed to address either the second part of subsection 151.10(d) or subsection 151.10(h).

Appellant appealed the Superintendent's July 31, 2001, decision to the Regional Director, describing its objections to the trust acquisition. The Regional Director issued a decision in the appeal on January 23, 2002. Her decision is very similar to her decision in Ziebach County, which is quoted in the Board's decision in that case, 36 IBIA at 203. As in Ziebach County, the Regional Director failed to address the specific objections raised by Appellant.

On appeal to the Board, Appellant made a number of arguments in its notice of appeal. The Regional Director did not file an answer brief.

For the same reasons discussed in Ziebach County, the Board finds that it must vacate the Regional Director's January 23, 2002, decision and remand this matter to her for further development of the record and issuance of a new decision. The Board again suggests that the Regional Director seek assistance from the Solicitor's Office in addressing this matter on remand.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's January 23, 2002, decision is vacated, and this matter is remanded to her for further consideration.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge