



## INTERIOR BOARD OF INDIAN APPEALS

El Paso Field Services Company v. Navajo Regional Director, Bureau of Indian Affairs

40 IBIA 165 (12/14/2004)

Related Board case:  
40 IBIA 214



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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EL PASO FIELD SERVICES COMPANY,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 04-69-A
NAVAJO REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	December 14, 2004

Appellant El Paso Field Services Company (EPFS) appealed from the alleged failure of the Navajo Regional Director, Bureau of Indian Affairs (Regional Director; BIA), to respond to EPFS's December 19, 2003, request, initially made in April 2003, for the Regional Director to approve and record certain assignments of rights-of-way from El Paso Natural Gas Company (EPNG) to EPFS. EPFS appealed pursuant to 25 C.F.R. § 2.8, which provides a mechanism for appealing from inaction by a BIA official.

During the course of this appeal, and in response to several orders from the Board to the Regional Director concerning EPFS's request, the Regional Director acted on the request by approving and forwarding some of the rights-of-way assignments to BIA's Land Title and Records Office for recording. The Regional Director declined, however, through a September 15, 2004, letter to EPFS, to approve or record other rights-of-way assignments that were part of EPFS's request. EPFS has separately appealed the September 15 decision, and that appeal is pending. El Paso Natural Gas Company and El Paso Field Services Company v. Acting Navajo Regional Director, Docket No. IBIA 05-14-A.

Following her September 15 decision, the Regional Director moved to dismiss this section 2.8 appeal as moot, on the ground that she has now taken action and issued a decision in response to EPFS's request. EPFS does not oppose the motion, and the Board agrees that this appeal is moot. See Wopsock v. Western Regional Director, 40 IBIA 24 (2004) (appeal from inaction is made moot by the Regional Director's issuance of a 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, the Board dismisses this section 2.8 appeal as moot.

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Colette J. Winston  
Administrative Judge