



INTERIOR BOARD OF INDIAN APPEALS

Wind River Environmental Quality Commission v. Rocky Mountain Regional Director,
Bureau of Indian Affairs

42 IBIA 62 (11/23/2005)



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

WIND RIVER ENVIRONMENTAL	:	Order Docketing and
QUALITY COMMISSION,	:	Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 05-97-A
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	November 23, 2005

On August 15, 2005, the Board of Indian Appeals (Board) received a notice of appeal from the Wind River Environmental Quality Commission (Appellant), through its Director, Don Aragon, appealing “the decision of Exploration Agreement, Environmental Assessment Decision Record and Finding of No Significant Impact, July 2005.”

Appellant’s notice of appeal did not give a more specific date for, or otherwise describe, the decision it sought to appeal, nor did it identify what official of the Bureau of Indian Appeals, if any, made the “decision.” In addition, Appellant did not indicate that it had served copies of its appeal on all interested parties, as required by 43 C.F.R. §§ 4.310(b), 4.333(a).

On August 17, 2005, the Board ordered Appellant, on or before September 2, 2005, to comply with these service requirements. The Board also ordered Appellant to provide the Board with a copy of the decision it seeks to appeal. ^{1/} Finally, the Board questioned whether Appellant – apparently a Commission of the Shoshone and Northern Arapaho Tribes – had authority under tribal law to bring this appeal. The Board ordered Appellant to file a statement, with supporting authority, to show that it is a proper appellant for challenging the decision it seeks to appeal. The Board advised Appellant that failure to

^{1/} Because Appellant has failed to identify what official made the “decision” it seeks to appeal, for the purposes of this order, the Board presumes that the Rocky Mountain Regional Director is the appellee in this case.

comply with the August 17, 2005 order could result in summary dismissal of this appeal without further notice.

The Board has received no response from Appellant.

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 docketed this appeal but dismisses it for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Katherine J. Barton
Acting Administrative Judge