



INTERIOR BOARD OF INDIAN APPEALS

Wilson Hunter, Jr., and William Hunter v. Acting Navajo Area Director,
Bureau of Indian Affairs

34 IBIA 13 (06/10/1999)

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

WILSON HUNTER, JR. and	:	Order Docketing and Dismissing Appeal
WILLIAM HUNTER,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 99-66-A
	:	
ACTING NAVAJO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 10, 1999

Appellants Wilson Hunter, Jr., and William Hunter seek review of a March 29, 1999, decision of the Acting Navajo Area Director, Bureau of Indian Affairs (Area Director; BIA), declaring null and void an Agricultural Land Use Permit (ALUP) issued to Appellants by the Natural Resource Manager, Chinle Agency, BIA (Manager) on December 4, 1998. For the reasons discussed below, the Board of Indian Appeals (Board) concludes that it should abstain from exercising jurisdiction over this matter in deference to the tribal forums available to Appellants. It further concludes that expedited consideration of this appeal is appropriate in order to allow Appellants to proceed promptly to those forums.

The Board requested specific information concerning this matter. Copies of the materials requested were provided by the Area Director and by Appellants.

The ALUP covers 17.3 acres of land about 1/2 mile east of the Thunderbird Lodge in Chinle, Arizona. According to the Navajo Area Realty Officer, the land at issue here is identified in BIA records as Tract No. G-29, whose approximate location is in secs. 15 and 22, T. 5 N., R. 10 W., Navajo Baseline Meridian, Apache County, Arizona. The Realty Officer stated that BIA records further show this tract as being within the original area of the Navajo Treaty of 1868, 15 Stat. 677, and within the Canyon De Chelly National Monument, which was authorized by 16 U.S.C. §§ 445-445b. The Realty Officer stated that, because the lands are in fee status, BIA could not provide a title status report as the Board had requested.

The information before the Board shows that there is a controversy as to use rights for this land between Appellants and Theodore Nez. The following facts, however, do not appear to be disputed. In September 1987, Appellants sought an ALUP for 70 acres, which included the 17.3 acres covered by the present ALUP. On September 9, 1987, the Navajo Nation District 10 Grazing Committee (Committee) recommended approval of the application. BIA took no action on the tribal recommendation until 1998.

