



INTERIOR BOARD OF INDIAN APPEALS

County of Amador, California v. Associate Deputy Secretary of the Interior and Associate Solicitor, Division of Indian Affairs

44 IBIA 4 (10/19/2006)

Related Board case:
44 IBIA 6



United States Department of the Interior

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

COUNTY OF AMADOR,	:	Order Docketing and Dismissing
CALIFORNIA,	:	Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 07-24-A
ASSOCIATE DEPUTY SECRETARY	:	
OF THE INTERIOR and ASSOCIATE	:	
SOLICITOR, DIVISION OF	:	
INDIAN AFFAIRS,	:	
Appellees.	:	October 19, 2006

On October 18, 2006, the Board of Indian Appeals (Board) received a notice of appeal from the County of Amador, California, which seeks review of “(1) the September 19, 2006 determination by The Department of the Interior * * * through its Associate Solicitor, Division of Indian Affairs * * * that certain parcels of land in Amador County (‘the Plymouth Parcels’), totaling 228 acres * * * are eligible for gaming as ‘restored lands’ of the Ione Band of Miwok Indians of California * * * under Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. § 2719(b)(1)(B)(iii) and (2) the September 26, 2006 determination of [the] Associate Deputy Secretary [of the Interior] affirming [the Associate Solicitor’s] conclusion.” Notice of Appeal at 1-2. 1/

The Board’s jurisdiction is limited to the authority vested in it by regulation or otherwise delegated to it by the Secretary of the Interior. See 43 C.F.R. § 4.1(b)(2); Standing Rock Sioux Tribe v. Acting Assistant Secretary - Indian Affairs, 41 IBIA 188 (2005), and cases cited therein. No regulation or delegation grants the Board authority to directly review a determination by the Associate Solicitor, Division of Indian Affairs or to review a determination by the Associate Deputy Secretary of the Interior. Nor has this matter been referred to the Board by the Secretary for review. See 43 C.F.R. § 4.330(a).

1/ The referenced determinations are a September 19, 2006 memorandum from the Associate Solicitor to the Associate Deputy Secretary, and a September 26, 2006 letter from the Associate Deputy Secretary to the Chairman of the Ione Band of Miwok Indians.

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 docketed but dismissed for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge