



INTERIOR BOARD OF INDIAN APPEALS

Karmell Sharp v. Oglala Sioux Tribe Allocation Committee

46 IBIA 25 (10/16/2007)



United States Department of the Interior

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

KARMELL SHARP,)	Order Docketing and Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 08-7-A
OGLALA SIOUX TRIBE)	
ALLOCATION COMMITTEE,)	
Appellee.)	October 16, 2007

On October 11, 2007, the Board of Indian Appeals (Board) received a notice of appeal from Karmell Sharp (Appellant), *pro se*. Appellant seeks review of a decision of the Oglala Sioux Tribe Allocation Committee (Allocation Committee) to allocate grazing privileges for Range Units 21 and 110 on the Pine Ridge Indian Reservation to Mike Grass. The Board docketed this appeal, but dismisses it because we lack jurisdiction over appeals from decisions by tribal officials.

As evidenced by documentation submitted with Appellant’s notice of appeal, it appears that in January of 2001, pursuant to an allocation of grazing privileges awarded to Appellant and Charleen Grass by the Allocation Committee, the Bureau of Indian Affairs (BIA) issued grazing permits to Appellant and Charlene for Range Units 21 and 110 for the permit period beginning on November 1, 2000 and ending on October 31, 2005. It also appears that the Superintendent of the Pine Ridge Agency, BIA, subsequently approved assignments of both grazing permits to Mike Grass. Appellant contends that her signature on the assignments, and a signature of one of the witnesses, were forged.¹

In October of 2005, Appellant apparently wrote to BIA, reporting that she had been advised that the grazing permits had been transferred to Mike Grass based on the

¹ Without purporting to have any expertise in handwriting analysis, the Board observes that Appellant’s signature on her notice of appeal and the signature for “Karmell Sharp” on the two assignments appear to be very different. In support of her allegation regarding the witness signature, Appellant encloses a copy of a statement apparently prepared and signed by one of the purported witnesses to the assignment, in which the individual states that he “did not sign anything.” Statement of Alfred Grass, Sept. 15, 2006.

assignments. Appellant requested a copy of the assignments, asserting that she had never signed them. The documentation submitted by Appellant does not include any evidence of a written response from BIA, although she apparently received copies of the BIA-approved assignments, which she encloses with her appeal. Appellant contends that she spoke on several occasions with at least one BIA Agency official to resolve the matter, but without success.

In a letter dated February 6, 2007, the Chairman of the Allocation Committee notified Appellant that the Committee had voted to recommend to BIA that Range Unit Nos. 21 and 110² be allocated to another enrolled member of the Tribe. It appears that the allocation was for the new grazing permit period that began November 1, 2006. *See Oglala Sioux Stockgrowers v. Great Plains Regional Director*, 44 IBIA 10 (2006) (new grazing permits issued for period beginning November 1, 2006). We presume, based on Appellant's allegations, that the individual to whom the grazing allocation was made was Mike Grass.

Appellant has appealed to the Board from the Allocation Committee's decision. Appellant explains her decision to appeal to the Board by stating that when the Board reviews the documents accompanying her notice of appeal, the Board will understand why she is "not appealing this in Pine Ridge, S.D." According to Appellant, she has "gone through the Superintendent, Land Committee and the Allocation Committee." Notice of Appeal.

The Board, however, does not have jurisdiction over Appellant's appeal from the Allocation Committee's decision because the Board lacks jurisdiction over appeals from actions by Indian tribes or tribal officials. *See Hardy v. Acting Midwest Regional Director*, 42 IBIA 255, 256 n.2 (2006); *Rosebud Indian Land and Grazing Ass'n v. Acting Great Plains Regional Director*, 42 IBIA 47, 52 (2005). In addition, even assuming that Appellant is also attempting to appeal a decision by the Superintendent to issue a new grazing permit to Mike Grass for the permit period that began November 1, 2006, the Board still would not have jurisdiction over this appeal. As a general rule, the Board does not have jurisdiction to review decisions by BIA Superintendents. *See Hardy*, 42 IBIA at 256. An appeal from a decision by a BIA Superintendent must first be filed with and decided by a Regional Director, after which an appeal may be filed with the Board to review the Regional Director's decision. *See id.*

² The letter refers to Range Unit Nos. 21 and "100," but we assume for purposes of this appeal that this is a typographical error.

Because the Board does not have jurisdiction to review this appeal, we must dismiss it.

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 lack of jurisdiction.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
Debora G. Luther
Administrative Judge