



INTERIOR BOARD OF INDIAN APPEALS

Pecos Road & 32nd Street RV & Boat Storage, LLC v. Acting Western Regional Director,
Bureau of Indian Affairs

46 IBIA 302 (03/18/2008)



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

PECOS ROAD & 32ND STREET RV)	Order Dismissing Appeal
& BOAT STORAGE, LLC,)	
Appellant,)	
)	
v.)	Docket No. IBIA 07-58-A
)	
ACTING WESTERN REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	March 18, 2008

Appellant Pecos Road & 32nd Street RV & Boat Storage, LLC, through Managing Member Rande Leonard, appealed to the Board of Indian Appeals (Board) from a November 9, 2006, decision of the Acting Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director upheld a decision by the Superintendent of the Pima Agency, BIA, to cancel lease No. B-GR1-243 (Lease) between the Indian landowners of Allotment Nos. 2712, 2706-B, and 2706 as lessors and Appellant as lessee, for nonpayment of rent. Appellant unilaterally suspended his rent payments after several obstacles apparently arose to his plans to develop the leased property.

On March 10, 2008, the Board received a joint request from the Regional Director and Appellant that the appeal be dismissed. In their joint request, the Regional Director and Appellant indicate that they met with representatives of the Gila River Indian Community and most of the individual landowners, and that those present unanimously agreed to have the appeal dismissed and the Lease deemed reinstated. Appellant and the Regional Director agree that reinstatement of the Lease is contingent upon finalization of (and made subject to the terms set forth in) a Second Amendment and Settlement Agreement that has been executed by Appellant, agreed to by the Regional Director, and is awaiting final execution by a sufficient number of the landowners.

The parties' request to dismiss this appeal is granted. The Board appreciates the parties' successful efforts to settle this matter.

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 appeal.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge