



INTERIOR BOARD OF INDIAN APPEALS

California Coastal Commission and California Governor Arnold Schwarzenegger v.
Pacific Regional Director, Bureau of Indian Affairs

51 IBIA 141 (02/19/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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CALIFORNIA COASTAL)	Order Vacating Decision and Remanding
COMMISSION and CALIFORNIA)	Matter for Further Consideration
GOVERNOR ARNOLD)	
SCHWARZENEGGER,)	
Appellants,)	
)	Docket Nos. IBIA 10-023
v.)	IBIA 10-024
)	
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	February 19, 2010

Appellants California Coastal Commission and California Governor Arnold Schwarzenegger appealed to the Board of Indian Appeals (Board) from an October 2, 2009, decision of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs, to take a 5.01-acre parcel, located in Humboldt County, California, in trust for the Big Lagoon Rancheria.¹

On February 2, 2010, the Board received a motion from the Regional Director requesting that this matter be remanded to him in light of the United States Supreme Court's decision in *Carcieri v. Salazar*, ___ U.S. ___, 129 S. Ct. 1058 (2009), to "determine whether Big Lagoon Rancheria was under Federal jurisdiction in 1934." The Regional Director's decision does not indicate that he considered the impact of *Carcieri* at the time of his decision, and Appellants both argue in their appeals to the Board that the decision in *Carcieri* and the facts of this matter bar the Regional Director from accepting this parcel into trust for the Tribe. We grant the motion, vacate the Regional Director's October 2 decision, and remand the matter to him for his further consideration.

¹ The property is described as Lot 4, as shown on Tract No. 420, on file in the Office of the Humboldt County Recorder in Book 21 of Maps, Pages 18 and 19 (Assessor's Parcel No. 517-281-04).

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 Pacific Regional Director's October 2, 2009, decision is vacated and this matter is remanded to the Regional Director for further consideration.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge