INTERIOR BOARD OF INDIAN APPEALS

Eugene and Pamela Edgar v. Northwest Regional Director,
Bureau of Indian Affairs

51 IBIA 161 (03/02/2010)

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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EUGENE AND PAMELA EDGAR Appellants,	)	Order Dismissing Appeal
v.	)	Docket No. IBIA 08-93-A
NORTHWEST REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	)	March 2, 2010

Appellants Eugene and Pamela Edgar appealed to the Board of Indian Appeals (Board) from an April 17, 2008, decision of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), in which the Regional Director modified the Puget Sound Agency Superintendent's decision to adjust the annual rental on Appellants' Lease No. 7048 00-25 for Lot 9, Division I, of the Dr. Joe Waterfront Tracts on the Swinomish Reservation.[1]

On January 8, 2010, the Board received a "Joint Request for Dismissal of Appeal" from the Regional Director[2] in which he represents that the appeal has been settled with the execution of a new lease. Therefore, the Regional Director requests that the Board dismiss this appeal from its docket. The Board appreciates the parties' successful efforts in resolving this dispute.[3]

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[1] Appellants apparently have been the lessees under the lease since April 2002, when an executed assignment of the lease to them was approved by BIA.

[2] Although the document purports to be a "joint request," it was signed and submitted only by counsel for the Regional Director.

[3] Notwithstanding the Regional Director's request for dismissal, we also note that the issue on appeal appears moot based on the representation that "the lease has been amended and signed by the landowners and the Appellant." Therefore, with an amended lease in place, a decision in this appeal would have no effect. *See, e.g., Mize v. Northwest Regional Director*,

(continued...)

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
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

[3](...continued)
50 IBIA 61, 68 (2009) (case becomes moot when nothing turns on the outcome of an appeal).