



INTERIOR BOARD OF INDIAN APPEALS

Carol Poolaw v. Acting Southern Plains Regional Director,
Bureau of Indian Affairs

51 IBIA 223 (04/09/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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|---------------------------|---|-------------------------|
| CAROL POOLAW, |) | Order Dismissing Appeal |
| Appellant, |) | |
| |) | |
| v. |) | |
| |) | Docket No. IBIA 10-019 |
| ACTING SOUTHERN PLAINS |) | |
| REGIONAL DIRECTOR, |) | |
| BUREAU OF INDIAN AFFAIRS, |) | |
| Appellee. |) | April 9, 2010 |

Carol Poolaw (Appellant) appealed to the Board of Indian Appeals (Board) from a September 29, 2009, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director upheld a decision by the Anadarko Agency (Agency) Superintendent, BIA, to approve Farming and Grazing Lease No. 802-0505880812, covering 77.656 acres within tracts 535-B and 535-C of the Keahtecondy Allotment (Apache 535), both of which are located within Section 21, Township 5 North, Range 12 West, Caddo County, Oklahoma. Appellant owns an undivided 1/5 interest in the two tracts. The Superintendent approved the lease after finding that owners holding a collective majority interest in the tracts had granted consent for the lease to Walter Hrbacek. The Regional Director affirmed the lease approval.

On March 23, 2010, the Board received a notice from Appellant to dismiss her appeal. In her notice of dismissal, Appellant states that she intends separately to pursue an issue regarding discrepancies between the Agency's survey of the property and a survey she privately obtained.¹

¹ In his decision, the Regional Director discussed several additional issues of concern to Appellant. During the course of this appeal, Appellant sought an extension for filing an opening brief to allow her time to have a survey completed. The Board granted an extension, while noting that it was unclear how a survey would be relevant to what appeared to be the sole issue on appeal: whether the Regional Director erred in affirming the Superintendent's approval of the lease. The relevance, if any, of the survey remains unclear from Appellant's notice of dismissal, and our dismissal of this appeal is without prejudice to the separate resolution of any survey-related issues.

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