



INTERIOR BOARD OF INDIAN APPEALS

State of Oklahoma v. Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

58 IBIA 212 (02/25/2014)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

STATE OF OKLAHOMA,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 13-135
ACTING EASTERN OKLAHOMA)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	February 25, 2014

The State of Oklahoma (State) appealed to the Board of Indian Appeals (Board) from a July 8, 2013, decision (Decision) of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs, to accept, in trust for the Cherokee Nation of Oklahoma (Tribe), 1333.85 acres of land referred to as the “Chilocco East Property.”

On January 28, 2014, the Board received a letter from the State summarizing its objections to the Decision but also stating that because the Tribe had agreed to address many of the State’s concerns, the State was withdrawing its appeal, “while reserve[ing] any and all rights to appeal [the Decision] at a future time.” Letter from State to Board, Jan. 23, 2014, at 2. Because the Board does not have procedures that would allow dismissal of this appeal without prejudice, the Board sought clarification from the State to either confirm its willingness to a dismissal with prejudice, or notify the Board that it intends to preserve and continue the appeal. See Order, Feb. 4, 2014, at 2. On February 21, 2014, the Board received a letter from the State informing the Board that the State will not be pursuing the appeal further.

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 the appeal with prejudice.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge