



INTERIOR BOARD OF INDIAN APPEALS

Executive Branch of the Cheyenne and Arapaho Tribes v. Acting Southern Plains Regional
Director, Bureau of Indian Affairs

59 IBIA 39 (07/23/2014)

Related Board cases:

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54 IBIA 332
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United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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EXECUTIVE BRANCH OF THE)	Order Vacating Decision and Remanding
CHEYENNE AND ARAPAHO TRIBES,)	
Appellant,)	
)	
v.)	Docket No. IBIA 13-004
)	
ACTING SOUTHERN PLAINS)	
REGIONAL DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	July 23, 2014
)	

The Executive Branch of the Cheyenne and Arapaho Tribes (Appellant)¹ appealed to the Board of Indian Appeals (Board) from an August 10, 2012, decision (Decision) of the Acting Southern Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), regarding an application submitted by Janice Prairie Chief-Boswell in 2012, as Governor and on behalf of the Cheyenne and Arapaho Tribes of Oklahoma (Tribe), for the fee-to-trust acquisition of a 49.713-acre parcel of land located in Elk City, Oklahoma. The Decision affirmed decisions by BIA’s Concho Agency Superintendent (Superintendent) dated April 25, 2012, and May 31, 2012, to return the application to the Tribe due to pending appeals before the Board involving a tribal government dispute and involving, directly or indirectly, Boswell’s status as Governor of the Tribe.²

On July 10, 2014, the Board decided the appeals involving the tribal government dispute that were pending when the Superintendent and Regional Director issued the decisions on the fee-to-trust application. *See Bighorse v. Southern Plains Regional Director*, 59 IBIA 1 (2014). Because those appeals have now been decided, and because the pendency of those appeals was

¹ This case involves a tribal dispute. The Board’s references to actions taken by or on behalf of the Tribe, tribal entities, or tribal officials, and the Board’s use of titles claimed by various individuals, shall not be construed as expressing any view on the underlying merits of the dispute, or on whether the dispute has been resolved while this appeal was pending.

² The Regional Office issued two decisions on August 10, 2012, in the Executive Branch’s appeal from the Superintendent’s decisions, each Regional Office decision over the signature of a different Acting Regional Director. One vacated the Superintendent’s decisions; the other affirmed those decisions. Upon receipt of the appeal, the Board ordered the Regional Director to clarify which of the two conflicting Regional decisions he wished to confirm, and which one he wished to withdraw. The Regional Director responded by confirming the decision to affirm the Superintendent’s decisions.

the sole reason relied upon by BIA in deciding to return the fee-to-trust application, we now vacate the Decision and remand the matter to the Regional Director for further proceedings.

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 vacates the Decision and remands the matter to the Regional Director for further proceedings.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 //original signed
Thomas A. Blaser
Administrative Judge