



INTERIOR BOARD OF INDIAN APPEALS

Scotts Valley Band of Pomo Indians v. Pacific Regional Director, Bureau of Indian Affairs

59 IBIA 114 (08/27/2014)

Denying Petition for Reconsideration of:
59 IBIA 56



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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SCOTTS VALLEY BAND OF POMO)	Order Denying Reconsideration
INDIANS,)	
Appellant,)	
)	
v.)	Docket No. IBIA 14-066-1
)	
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	August 27, 2014

On July 28, 2014, the Board of Indian Appeals (Board) dismissed as moot this appeal by the Scotts Valley Band of Pomo Indians (Appellant or Tribe),¹ through Leslie A. Miller, which challenged a January 22, 2014, decision of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA). 59 IBIA 56. BIA had declined to issue a tribal leadership recognition decision—Miller had asked to be recognized as the Tribe’s Chairman—because at the time Miller made his request, BIA concluded that there was no matter pending before BIA that required BIA action, which, in turn, would have necessitated a BIA decision regarding the Tribe’s leadership. The Board dismissed the appeal after the Superintendent subsequently did issue a tribal leadership recognition decision after receiving an Indian Self-Determination and Education Act contract proposal, submitted on behalf of the Tribe.²

On August 25, 2014, the Board received from Appellant a timely petition for reconsideration of the decision. Reconsideration of a Board decision “will be granted only in extraordinary circumstances.” 43 C.F.R. § 4.315.

¹ This case involves a tribal dispute. The Board’s references to actions taken by or on behalf of tribal officials, tribal entities, or the Tribe, and the Board’s use of titles claimed by various individuals, shall not be construed as expressing any view on any individual’s status or authority, or on the underlying merits of the dispute.

² The Superintendent recognized an August 2013 tribal election conducted by the so-called “Arnold” group. Appellant appealed the Superintendent’s tribal leadership recognition decision to the Regional Director, *see* 59 IBIA at 58 n.4, and that appeal before the Regional Director was pending when the Board dismissed the present appeal as moot.

Appellant's petition for reconsideration contends that BIA was at fault for failing to advise Appellant about what type of matter could be presented to BIA that would require Federal action. And Appellant argues that certain advice that it received from the Superintendent was misleading. But none of the arguments raised in the petition are relevant to the issue of mootness, and Appellant does not demonstrate that any extraordinary circumstances exist that would warrant the Board's reconsideration of our decision to dismiss the present appeal as moot.³

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 denies the petition for reconsideration.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 //original signed
Thomas A. Blaser
Administrative Judge

³ Appellant correctly notes that the Board's decision contained a factual error at the top of 59 IBIA 57. The Superintendent's tribal leadership decision recognized the results of an August (not November) 2013 tribal election conducted by the Arnold group, and apparently the Tribal Council elected in that election subsequently selected Gabriel Ray as Chairman. *See* Petition at 2 (unnumbered); Answer of Scotts Valley Band of Pomo Indians (Arnold/Ray Group), June 23, 2014, at 7. Our misstatement of the month in which the election was held and our misunderstanding of the procedure by which Ray came to claim the chairmanship are not material to our decision to dismiss the appeal as moot, and thus provide no grounds for reconsideration.