



## INTERIOR BOARD OF INDIAN APPEALS

Sierra Resources, Inc. v. Acting Great Plains Regional Director, Bureau of Indian Affairs

62 IBIA 42 (12/10/2015)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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|                              |   |                             |
|------------------------------|---|-----------------------------|
| SIERRA RESOURCES, INC.,      | ) | Order Vacating Decision and |
| Appellant,                   | ) | Remanding                   |
|                              | ) |                             |
| v.                           | ) |                             |
|                              | ) | Docket No. IBIA 15-079      |
| ACTING GREAT PLAINS REGIONAL | ) |                             |
| DIRECTOR, BUREAU OF INDIAN   | ) |                             |
| AFFAIRS,                     | ) |                             |
| Appellee.                    | ) | December 10, 2015           |

Sierra Resources, Inc. (Appellant) appealed to the Board of Indian Appeals (Board) from a March 25, 2015, decision of the Acting Great Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), upholding the decision of BIA’s Acting Fort Berthold Agency Superintendent to approve an oil and gas top lease, Contract No. 301-7420A42604, between Appellant and the owners of Fort Berthold Allotment M 1890.

On December 7, 2015, the Board received a joint motion from Appellant and the Regional Director to dismiss the appeal, explaining that the parties agree and stipulate that the Decision should be “vacated and remanded back to the Regional Director for reconsideration, and that this appeal be dismissed *without prejudice*.”

We grant the joint motion. To the extent that the parties’ request for “dismissal without prejudice” seeks confirmation that this order of vacatur is not a merits decision, and is without prejudice to the proceedings on remand, we agree. *See Yakama Nation v. Northwest Regional Director*, 52 IBIA 262, 263 n.2 (2010) (“An order of vacatur . . . ensures that the matter is returned in full to BIA for issuance of a new decision with new appeal rights.”).

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 consideration.

I concur:

\_\_\_\_\_  
// original signed  
Thomas A. Blaser  
Administrative Judge

\_\_\_\_\_  
//original signed  
Steven K. Linscheid  
Chief Administrative Judge