



INTERIOR BOARD OF INDIAN APPEALS

Gilbert Miles v. Southern Plains Regional Director, Bureau of Indian Affairs

63 IBIA 55 (05/04/2016)

Related Board case:

60 IBIA 257, vacated and remanded to Board, *Cimarex Energy Co. v. Gilbert Miles*,
No. CIV-15-1163-F (W.D. Okla. 2016)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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GILBERT MILES,)	Order Remanding Case to Concho
Appellant,)	Agency Superintendent
)	
v.)	
)	Docket No. IBIA 13-019-1
SOUTHERN PLAINS REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	May 4, 2016

This appeal was decided by the Board of Indian Appeals (Board) on May 5, 2015. 60 IBIA 257. In that decision, the Board vacated an August 21, 2012, decision (Decision) of the Southern Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), which had affirmed a March 1, 2012, decision by BIA’s Concho Agency Superintendent (Superintendent) to approve a communitization agreement (CA). The CA allowed for the cooperative development of oil and gas minerals within a 641.98-acre “communitized area,” which included Gilbert Miles’s (Appellant or Miles) 80-acre restricted allotment, Cheyenne-Arapaho Allotment 1414. Cimarex Energy Co. (Cimarex) sought judicial review, Miles did not file any responsive pleading, Cimarex and the Department of the Interior (Department) jointly moved to remand the case to the Board, and the U.S. District Court for the Western District of Oklahoma vacated the Board’s decision and ordered that the case be remanded to BIA’s Concho Agency. *Cimarex Energy Co. v. Gilbert Miles*, No. CIV-15-1163-F (W.D. Okla. Feb. 19, 2016).

By letter dated April 28, 2016, the Department’s Office of the Solicitor formally transmitted the Court’s order to the Board and requested that the Board remand the case to the Concho Agency in accordance with the Court’s order.

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 remands this case to the Concho Agency Superintendent, for proceedings consistent with the Court’s order.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge