



INTERIOR BOARD OF INDIAN APPEALS

Vested Petroleum, Inc. and John E. Sanderson v.
Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

64 IBIA 17 (11/02/2016)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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| VESTED PETROLEUM, INC. and |) | Order Vacating Decision and |
| JOHN E. SANDERSON, |) | Remanding |
| Appellants, |) | |
| |) | |
| v. |) | |
| |) | Docket Nos. IBIA 16-089 |
| ACTING EASTERN OKLAHOMA |) | 16-090 |
| REGIONAL DIRECTOR, BUREAU |) | |
| OF INDIAN AFFAIRS, |) | |
| Appellee. |) | November 2, 2016 |

Vested Petroleum, Inc. and John E. Sanderson (collectively, Appellants), co-owners of Oil and Gas Lease No. G06-21451, appealed to the Board of Indian Appeals (Board) from a May 18, 2016, decision (Decision) of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA), affirming in part the December 17, 2015, issuance of a Notice of Non-Compliance (NNC) by the BIA’s Osage Agency Superintendent which identified a number of lease deficiencies and called for the removal of excess equipment from the lease site. After Appellants filed their opening brief, the Regional Director requested that the Board remand the matter for reconsideration “so that all relevant documents in this matter be considered by the Regional Director.” Entry of Appearance and Motion to Remand, Oct. 18, 2016, at 1 (Motion to Remand). The request also states that Appellants do not object to the request for remand. *Id.* at 1-2.

When a BIA regional director concludes, for whatever reason, that further consideration is warranted for a decision that has been appealed to the Board, it is entirely appropriate—and the correct course—for the regional director to seek a remand. Vacating the decision as part of a remand order is consistent with the Board’s practice in other cases. *See e.g., Village of Hobart, Wisconsin v. Acting Midwest Regional Director*, 53 IBIA 269 (2011); *Froelich v. Acting Great Plains Regional Director*, 51 IBIA 173 (2010). In the instant appeal, Appellants do not oppose the remand request. Remand, under such circumstances, serves the purpose of allowing BIA to give further consideration to the issue or issues that may have prompted the remand request, while also providing BIA with full authority to address other matters, as appropriate.

The Board therefore grants the Regional Director’s request for remand. On remand, the Regional Director shall consider the record developed during this appeal, and address,

as necessary and appropriate to support a new decision, the arguments raised by Appellants in their opening brief on appeal to the Board.

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 and issuance of a new decision.

I concur:

// original signed
Robert E. Hall
Administrative Judge

//original signed
Thomas A. Blaser
Chief Administrative Judge