



INTERIOR BOARD OF INDIAN APPEALS

Twenty-seven Individual Landowners on the Standing Rock Reservation v.
Great Plains Regional Director, Bureau of Indian Affairs

40 IBIA 239 (02/09/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

TWENTY-SEVEN INDIVIDUAL	:	Order Docketing and Dismissing
LANDOWNERS ON THE STANDING	:	Appeal
ROCK RESERVATION,	:	
Appellants,	:	
	:	
v.	:	Docket No. IBIA 05-38-A
	:	
GREAT PLAINS REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	February 9, 2005

On February 7, 2005, the Board of Indian Appeals (Board) received a notice of appeal, transmitted by the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), on behalf of 27 individual landowners (Appellants) on the Standing Rock Reservation. The notice of appeal apparently seeks review of a November 24, 2004, decision of the Regional Director, which established the minimum grazing rental rate for allotted lands on the Standing Rock Reservation at \$8.50/Animal Unit Month for the 2005 grazing season. ^{1/} The Board docketed the appeal, but dismisses it for lack of jurisdiction because it is untimely.

The notice of appeal is dated December 6, 2004, and is addressed to the Regional Director. The Board first received a copy on February 7, 2005, from the Regional Director. The Regional Director's November 24, 2004, decision correctly advised interested parties that the decision could be appealed to the Board within 30 days of receipt, and provided the Board's correct address.

Section 4.332(a) of 43 C.F.R. provides that appeals from administrative actions of officials of the BIA must be "filed with the Board * * * within 30 days after receipt by the appellant of the decision from which the appeal is taken." The 30-day deadline for filing a notice of appeal is jurisdictional. Id. The effective date of filing is the date of mailing or the date of personal delivery. Id. § 4.310(a).

^{1/} The Regional Director's decision was based on a Nov. 1, 2004, stipulation in Claymore et al. v. Norton, et al., No. A1-04-132 (D.N.D.). Because the Board dismisses this appeal as untimely, it need not address whether, under these circumstances, the Board would otherwise have jurisdiction over this appeal.

