



INTERIOR BOARD OF INDIAN APPEALS

James T. Doney v. Rocky Mountain Regional Director, Bureau of Indian Affairs

40 IBIA 279 (03/28/2005)

Reconsideration denied:

40 IBIA 287



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

JAMES T. DONEY,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 05-31-A
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	March 28, 2005

Appellant James T. Doney, pro se, appealed from the alleged failure of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA), to respond to his July 14, 2004, letter to the Regional Director requesting that BIA address various issues involving the condition of certain trust lands owned by Appellant. The lands are described as “Lot 9 and a 1/2 interest in Lot 8, of Section 22, Range 27 North, Township 42 North,” and apparently include some or all of Fort Peck Allotments 1659 and 1660. Appellant’s letter was submitted to the Regional Director pursuant to 25 C.F.R. § 2.8.

On December 15, 2004, the Board of Indian Appeals (Board) requested a status report from the Regional Director. The Board received the Regional Director’s response on February 8, 2005, after granting him an extension of time. The status report responds specifically to each of the four issues raised in Appellant’s July 14, 2004, letter. The Regional Director’s report recounts various actions that BIA has taken to address Appellant’s concerns regarding the condition and management of his land.

Appellant submitted a response to the Regional Director’s status report. Appellant does not take issue with the Regional Director’s recitation of actions BIA has taken to address his concerns. He does, however, request additional or clarifying information from BIA on a certain matter, and suggests that he wants BIA to take some unspecified action against a prior lessee, whom Appellant blames for the condition of his property.

Section 2.8 of 25 U.S.C. is an action-prompting mechanism. In other cases involving alleged inaction by BIA, the Board has dismissed the appeal when it appears that BIA has taken or is taking action to address an appellant’s request. See, e.g., Big Valley Band of Pomo Indians v. Pacific Regional Director, 36 IBIA 48 (2001); Hackford v. Phoenix Area Director,

30 IBIA 270 (1997); Shaahook Group of Capitan Grande Band of Diegueno Mission Indians v. Director, Office of Tribal Services, 27 IBIA 43 (1994). The Board's review of the Regional Director's report leads it to conclude that BIA has taken several specific actions to address Appellant's requests, and has been acting in good faith in seeking to be responsive to Appellant's concerns. Although Appellant may have additional questions or concerns, the Board concludes that they are best addressed by BIA following dismissal of this appeal, and that further oversight by the Board is not warranted.

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 dismisses this appeal.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Anita Vogt
Senior Administrative Judge