



INTERIOR BOARD OF INDIAN APPEALS

Cheyenne River Sioux Tribe v. Acting Great Plains Regional Director,
Bureau of Indian Affairs

42 IBIA 74 (12/06/2005)

Denying reconsideration of:
41 IBIA 308



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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CHEYENNE RIVER SIOUX TRIBE,	:	Order Denying Reconsideration
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 04-12-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	December 6, 2005

Appellants seek reconsideration of the dismissal of this appeal by the Board of Indian Appeal's (Board) on October 26, 2005. 41 IBIA 308 (2005). In that appeal, Appellants sought review of a decision by the Acting Great Plains Regional Director increasing the rental rate for allotted lands on the Cheyenne River Reservation. The Board dismissed the appeal on grounds that Appellants lacked standing to appeal or, in the alternative, that the appeal was moot.

In their petition for reconsideration, Appellants claim that they have standing because they are an interested party under 43 C.F.R. § 4.201. They also allege that the Board erred in dismissing the appeal based on Article III standing requirements because the Board is not legally bound by such requirements. They further argue that they were unaware that any arguments had been made to challenge the Tribe's standing. Finally, they ask the Board to permit briefing to allow them to demonstrate why the Tribe has standing.

Reconsideration of a Board decision will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315(a). A petition for reconsideration must contain a detailed statement of the reasons why reconsideration should be granted. Id.

None of Appellants' arguments justify the Board's reconsideration of its dismissal of the Appeal. The regulations at 43 C.F.R. § 4.201 pertain only to probate proceedings and are not applicable here. The Board's prudential rule applying the requirements of Article III standing is well-established. See, e.g., Evitt v. Acting Pacific Regional Director, 38 IBIA 77, 79 (2002) (citing cases). The Board may raise the question of an appellant's standing without it being raised by another party. Finally, Appellants are required to set forth their

arguments for reconsideration in their petition, and their petition provides no theory as to why the Tribe has standing.

In any event, the Board dismissed the appeal not only for lack of standing, but because it was moot. Appellants do not argue that the Board's ruling on mootness was incorrect.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Appellants' petition for reconsideration is denied.

I concur:

// original signed
Katherine J. Barton
Acting Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge