



## INTERIOR BOARD OF INDIAN APPEALS

Raymond Kopepassah, Martha Oliver Sankadota, Wynema Y. Oliver  
Goldman, Rowena Oliver Collins, Roy A. Oliver, Tommy V. Kopepassah,  
Lindis M. Kopepassah, Sr., Billie LeBarre, Joseph C. LeBarre, Christopher M. LeBarre,  
Clarice Darlene Kopepassah Trujillo, and The Kiowa Tribe of Indians of Oklahoma v.  
Acting Southern Plains Regional Director, Bureau of Indian Affairs

53 IBIA 117 (03/25/2011)



# 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

RAYMOND KOPEPASSAH,	)	Order Vacating Decision and
MARTHA OLIVER SANKADOTA,	)	Remanding
WYNEMA Y. OLIVER GOLDMAN,	)	
ROWENA OLIVER COLLINS,	)	
ROY A. OLIVER, TOMMY V.	)	
KOPEPASSAH, LINDIS M.	)	
KOPEPASSAH, SR., BILLIE	)	
LeBARRE, JOSEPH C. LeBARRE,	)	
CHRISTOPHER M. LeBARRE,	)	
CLARICE DARLENE	)	
KOPEPASSAH TRUJILLO, AND	)	Docket No. IBIA 10-133
THE KIOWA TRIBE OF INDIANS	)	
OF OKLAHOMA,	)	
Appellants	)	
	)	
v.	)	
	)	
ACTING SOUTHERN PLAINS	)	
REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	March 25, 2011

Raymond Kopepassah, Martha Oliver Sankadota, Wynema Y. Oliver Goldman, Rowena Oliver Collins, Roy A. Oliver, Tommy V. Kopepassah, Lindis M. Kopepassah, Sr., Billie LeBarre, Joseph C. LeBarre, Christopher M. LeBarre, Clarice Darlene Kopepassah Trujillo, and the Kiowa Tribe of Indians of Oklahoma (collectively, Appellants) appealed to the Board of Indian Appeals (Board) from a July 8, 2010, decision of the Acting Southern Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA). The Regional Director vacated a January 26, 2010, decision of the Acting Superintendent (Superintendent), Anadarko Agency, BIA, which, among other things, had declined Appellants' request that BIA obtain, on Appellants' behalf, a right-of-way across adjoining property in order to access Appellants' trust property. Appellants are co-owners of a 40-

acre portion of the original allotment of Sophie Bertha Akoneto, Kiowa 1776.<sup>1</sup> The remaining 120 acres of the original allotment were patented in fee in 1927, and Appellants contend that failure to reserve an easement at the time for their property constituted a breach of trust. The Regional Director concluded that, under Oklahoma law, Appellants had access to their property through the use of section line roads, and he vacated as moot the Superintendent's decision. The Regional Director also found that he lacked jurisdiction to address Appellants' breach of trust claims.

On February 22, 2011, the Board received a request from the Regional Director for a remand to allow him to (1) reconsider the July 8, 2010, decision, and (2) determine whether appropriated funds are available to purchase an easement or right-of-way across adjoining property to Appellants' property. On March 3, 2011, the Board received a response from Appellants stating that they do not oppose the Regional Director's request.

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 Regional Director's July 8, 2010, decision, and remands the matter to the Regional Director for further consideration.

I concur:

          // original signed            
Steven K. Linscheid  
Chief Administrative Judge

          // original signed            
Debora G. Luther  
Administrative Judge

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<sup>1</sup> The original allotment consisted of the SE/4 of Section 25, Township 4 North, Range 14 West, Indian Meridian, in what is now Comanche County, Oklahoma. Appellants own the SW/4 SE/4 of Section 25.