



## INTERIOR BOARD OF INDIAN APPEALS

Page One Plus Wholesale, Inc. v. Eastern Oklahoma Regional Director,  
Bureau of Indian Affairs

51 IBIA 271 (05/20/2010)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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PAGE ONE PLUS WHOLESALE,	)	Order Docketing and Dismissing Appeal
INC.,	)	
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 10-067
EASTERN OKLAHOMA REGIONAL	)	
DIRECTOR, BUREAU OF	)	
INDIAN AFFAIRS,	)	
Appellee.	)	May 20, 2010

Page One Plus Wholesale, Inc. (Appellant) appealed to the Board of Indian Appeals (Board) from a January 20, 2010, decision of the Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA), in which the Regional Director remanded a June 24, 2009, decision of the Superintendent of BIA’s Osage Agency. According to the January 20 Decision, the Superintendent had determined that “McCann Resources, Inc. (McCann) was authorized to operate and produce Well No. 53 and [Appellant] was authorized to operate and produce Well No. 52 both located in the SW<sup>1</sup>/<sub>4</sub> of Section 15, Township 29 North, Range 11 East, Osage County, Oklahoma.” January 20 Decision at 1 (unnumbered). The Regional Director determined that the SW<sup>1</sup>/<sub>4</sub> of Section 15 is divided in half with the N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> being the subject of an oil and gas lease with McCann and the S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> being the subject of an oil and gas lease with Appellant. The Regional Director stated that the Superintendent’s decision did not reflect an effort to determine the actual locations of the two wells but stated “that in an effort to reach an equitable resolution,” each party was given authority to operate one of the wells. *Id.* The Regional Director remanded the matter to the Superintendent for a determination of the actual location of each well.

Upon receipt of Appellant’s appeal, the Board issued an order on March 3, 2010, requiring Appellant to (1) demonstrate that the individual who signed the notice of appeal on Appellant’s behalf is entitled to represent Appellant before the Board, *see* 43 C.F.R. §§ 1.3, 4.3(a), and (2) show cause why the appeal should not be dismissed because, as a

result of the Regional Director's decision to remand the matter for further consideration by the Superintendent, there appears to be no final decision ripe for review by the Board and because Appellant appears to lack standing to appeal to the Board because it has not been injured by the Regional Director's decision. Appellant's response to the Board's March 3 order was due on or before April 2, 2010. The Board advised Appellant that failure to respond to the Board's order could result in dismissal of Appellant's appeal without further notice.

No response has been received from Appellant.

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 docketed this appeal, but dismisses it for failure to prosecute.

I concur:

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// original signed  
Debora G. Luther  
Administrative Judge

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge