KEITH DAHL,	:	Order Denying Petition for
Appellant	:	Reconsideration
	:	
v.	:	
	:	Docket No. IBIA 90-108-A
ASSISTANT PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 2, 1991

Appellant Keith Dahl has petitioned for reconsideration of a decision issued by the Board of Indian Appeals (Board) on August 28, 1991. 20 IBIA 225. The case involves the awarding of the Railroad Creek Logging Unit timber sale contract on the Quinault Indian Reservation, Washington.

Appellant makes two separate arguments: (1) the Board "did not credit the uncontradicted affidavits of two individuals who have experience with the timber contracting process" (Petition at page 2); and (2) "the BIA [Bureau of Indian Affairs] policy of allowing the Quinault Indian Nation, through QLTE [the Quinault Land and Timber Enterprises], to match the highest bid is illegal" (Petition at page 3). The agreement by which QLTE is allowed to match high bids for timber contracts was mentioned in the Board's decision. 20 IBIA at 226.

Under 43 CFR 4.315(a), "[r]econsideration of a decision of the Board will be granted only in extraordinary circumstances." The Board has held that extraordinary circumstances are not present when the issues raised in the petition were considered when the initial decision was issued. See, e.g., Dahlstrom Lumber Co. v. Portland Area Director, 20 IBIA 211 (1991); Burchard v. Billings Area Director, 19 IBIA 276 (1991). It has also held that it will not consider arguments raised for the first time in a petition for reconsideration. See, e.g., Stark v. Acting Portland Area Director, 20 IBIA 188 (1991); New Mexico Highway & Transportation Dept. v. Albuquerque Area Director, 18 IBIA 232 (1990); Crooks v. Minneapolis Area Director, 14 IBIA 271 (1986).

The Board thoroughly reviewed the administrative record and considered the weight to be assigned appellant's affidavits in reaching its initial decision. Appellant's second argument, to which most of the petition is devoted, was not previously raised in this proceeding. 1/

1/ Appellant's petition indicates that he is also requesting oral argument, although this request is not discussed in the text of the petition. Because of the Board's disposition of the petition, the request for oral argument is denied.

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Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration of the Board's August 28, 1991, decision is denied.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge

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