KARUK TRIBE OF CALIFORNIA, Appellant	:	Order Docketing and Dismissing Appeal and Referring Matter to the Assistant Secretary - Indian Affairs
v.	:	
ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS, Appellee	:	Docket No. IBIA 00-31-A
	:	January 4, 2000

The Karuk Tribe of California (Tribe) seeks review of a November 15, 1999, letter from the Acting Director, Office of Tribal Services (OTS Director), concerning the deobligation of $76,700 in funding to the Tribe for the Housing Improvement Program under its fiscal year 1999 self-governance compact. The OTS Director wrote his November 15, 1999, letter in response to an August 24, 1999, letter from the Tribe, in which the Tribe cited 25 C.F.R. § 2.8 in "formally request[ing] the re-obligation of $76,700." Aug. 24, 1999, Letter at 1.

The Board has carefully reviewed both the Tribe's Notice of Appeal and the materials the Tribe submitted with its Notice of Appeal. Although the Tribe characterizes this appeal as being under 25 C.F.R. §§ 2.8 and 2.9, the Board concludes that it actually raises a self-governance issue. In Mille Lacs Band of Ojibwe v. Acting Deputy Commissioner of Indian Affairs, 27 IBIA 94 (1994), the Board noted that the Department had not promulgated regulations establishing appeal procedures in self-governance cases. In Mille Lacs Band, a second appeal was pending before the Assistant Secretary - Indian Affairs on the same issue as was before the Board. Because there were no regulations clearly giving it jurisdiction, the Board dismissed the appeal before it in order to allow the Assistant Secretary to consider the matter. Citing Mille Lacs Band, in Hoonah Indian Association v. Acting Director, Office of Self-Governance, 28 IBIA 244 (1995), the Board dismissed a self-governance appeal and referred the matter to the Assistant Secretary as a matter of comity, again noting that no appeal regulations had been promulgated.

To the best of the Board's knowledge, no appeal regulations for self-governance matters have yet been promulgated. In view of this fact, the Board believes that it should follow the same procedure here as it has in the past.

WWWVersion

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, dismissed, and referred to the Assistant Secretary - Indian Affairs.

_____
Kathryn A. Lynn
Chief Administrative Judge

_____
Anita Vogt
Administrative Judge

WWWVersion