



INTERIOR BOARD OF INDIAN APPEALS

In re Federal Acknowledgment of the Golden Hill Paugussett Tribe

34 IBIA 55 (07/30/1999)

Denying reconsideration of:

34 IBIA 18

Related Board cases:

32 IBIA 216

33 IBIA 4

40 IBIA 126



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

IN RE FEDERAL ACKNOWLEDGMENT : Order Denying Reconsideration
OF THE GOLDEN HILL PAUGUSSETT :
TRIBE :
: Docket No. IBIA 99-74-A
: July 30, 1999

This appeal was filed by the State of Connecticut and the Attorney General of Connecticut. It concerns a May 24, 1999, decision issued by the Deputy Assistant Secretary - Indian Affairs titled "Reconsideration of the Final Determination and Order Directing Full Consideration of the Documented Petition of the Golden Hill Paugussett Tribe under All Seven Mandatory Criteria." On June 24, 1999, the Board dismissed the appeal for lack of jurisdiction. 34 IBIA 18.

Appellants now seek reconsideration of the dismissal, contending that the Board erred in holding that 25 C.F.R. §§ 2.3(b) and 83.11 preclude Board consideration of their appeal. They argue that, because 25 C.F.R. § 83.11 does not explicitly provide for appeals from decisions of the precise nature of the Deputy Assistant Secretary's May 24, 1999, decision, that decision is not a "specific type of decision" for which 25 C.F.R. § 2.3(b) precludes review under 25 C.F.R. Part 2, BIA's general appeal regulations. Thus, Appellants reason, the Deputy Assistant Secretary's decision may be appealed under 25 C.F.R. Part 2.

25 C.F.R. § 2.3(b) provides: "This part does not apply if any other regulation or Federal statute provides a different administrative appeal procedure applicable to a specific type of decision." Appellants read this provision too narrowly.

25 C.F.R. Part 83 deals comprehensively with Departmental proceedings concerning the acknowledgment of Indian tribes. 25 C.F.R. § 83.11 deals comprehensively with administrative appeals from decisions concerning the acknowledgment of Indian tribes. It is abundantly clear that all Departmental decisions concerning the acknowledgment of Indian tribes fall under 25 C.F.R. Part 83. Thus, insofar as acknowledgment matters are concerned, a "specific type of decision" under 25 C.F.R. § 2.3(b) means any decision concerning the acknowledgment of an Indian tribe.

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 petition for reconsideration is denied.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge