

# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

200807

VIEJAS BAND OF KUMEYAAY  
INDIANS and SYCUAN BAND OF  
THE KUMEYAAY NATION; and  
COUNTY OF SAN DIEGO,  
CALIFORNIA,  
  
Appellants,  
  
v.  
  
PACIFIC REGIONAL DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
  
Appellee

Governor's Office of Planning & Research

AUG 14 2019

STATE CLEARINGHOUSE

## ORDER

On July 2, 2019, I received the administrative record of the April 23, 2019, decision (Decision) of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to approve the acceptance into trust by the United States for the Ewiiapaayp Band of Kumeyaay Indians of approximately 16.69 acres of land. The memorandum transmitting the administrative record certified that the "submission includes all information and documents utilized by the Regional Director in rendering the Decision."<sup>1</sup> Courtesy compact discs containing copies of the administrative record were provided to the attorneys of record for each Appellant. The index for the administrative record is attached. **The parties shall have 14 days from the date of this Order to file objections to the administrative record.**

Copies of all pleadings filed with the Assistant Secretary must be served on all interested parties.<sup>2</sup> Parties who choose to serve and file by U.S. mail may use regular first-class mail. If counsel is appearing for an interested party, counsel should enter an appearance, after which service should be made on counsel. A certificate or affidavit evidencing service shall be filed concurrently with each document furnished to the Assistant Secretary.

**Appellants' opening briefs are due on or before September 9, 2019.** The filing of an opening brief is not required, and Appellants may choose to rely upon the allegations of error, if any, contained in the notice of appeal or any other filings that already have been submitted to me in this appeal. Appellants are advised, however, that the Appellants bear the burden of proving

<sup>1</sup> Memorandum dated July 2, 2019, from Regional Director, Bureau of Indian Affairs, Pacific Region, to Assistant Secretary – Indian Affairs.

<sup>2</sup> The regulations governing appeals before the Interior Board of Indian Appeals, 43 C.F.R. Part 4, do not apply to appeals before the Assistant Secretary.

error in the Decision being appealed. If Appellants choose not to file an opening brief, Appellant should file a statement to that effect, with copies to other parties as described above.

**Opposing parties' response brief(s) shall be filed on or before October 9, 2019. Appellants will have 15 days from the filing date of any response brief(s) in which to file a reply brief.**

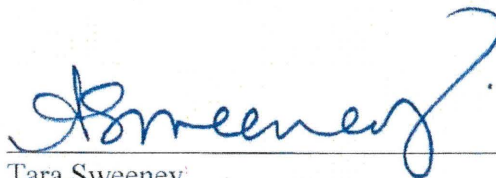
Opening and response briefs that are 25 type-written, double-spaced pages or fewer in length, not including attachments, exhibits and appendices, will be accepted. Reply briefs must be 15 pages or fewer. Attachments, exhibits or appendices should support the arguments and conclusions contained in the brief and should not contain separate legal arguments. Filings that do not conform to these requirements will not be accepted.

Requests for extensions of the briefing schedule will be considered on a case-by-case basis, and only with the opposing party's consent or after good faith efforts to obtain consent. Requests must contain a statement of the reasons requiring an extension; the number of proposed days and filing date; whether the opposing party consents and, if not, a description of the efforts made to obtain consent.

Any party that has questions regarding scheduling or procedure may submit questions by email to Carol J. Brown, [carol.brown@bia.gov](mailto:carol.brown@bia.gov), Senior Counselor to the Assistant Secretary - Indian Affairs. Please be advised that counselors to the Assistant Secretary cannot engage in any ex parte communications with parties regarding the substance of this or any other appeal that is currently before me.

Pursuant to 25 C.F.R. § 2.20(c), I shall issue my decision within sixty days of the close of all briefings. My decision will be final for the Department, effective immediately, and not subject to further administrative appeals.

Dated: AUG 09 2019



Tara Sweeney  
Assistant Secretary – Indian Affairs

Distribution: See attached list.



I certify that on the 9 day of August, 2019, I caused to be delivered a true copy of the forgoing Order to each of the persons named below by certified mail return receipt requested or by first class mail as indicated.



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**By Certified Mail**

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