

DEPARTMENT OF THE INTERIOR  
**MINERALS MANAGEMENT SERVICE MANUAL**

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Release No. 218

TRANSMITTAL SHEET

May 23, 1994

SUBJECT: Delegation Series  
Part 230 Special Redelegations  
Chapter 1 Authority to Render Decisions on Appeals

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter is reissued to redelegate to the Associate Director for Policy and Management Improvement the authority to render decisions for certain complex appeals and concur on behalf of the Minerals Management Service on decisions for other complex appeals.



Director

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FILING INSTRUCTIONS:

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OPR: Appeals Division  
Office of Policy and Management Improvement

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1. Purpose. To delegate to the Deputy Director and the Associate Director for Policy and Management Improvement (PMI) the authority to render decisions on appeals filed under 30 CFR Part 290; to further delegate to the Associate Director for PMI and to the Associate Director for Royalty Management Program (RMP) the authority to perform functions related to the appeals process; to further delegate to officials in RMP the authority to render appeals decisions on certain appeals; and to identify specific authorities which are further delegated.

2. Objective. To establish the primary level of authority to expedite the processing of certain appeals.

3. Scope. The delegation of authority is limited to the categories of appeals designated in paragraph 5 of this chapter. The authority to render decisions on appeals which pertain to royalty management matters as they relate to mineral leases on Indian lands is carried out by the Bureau of Indian Affairs (BIA).

A. If an appellant chooses to further litigate an appeals decision issued under this manual chapter, the appellant must appeal that decision to the Interior Board of Land Appeals (IBLA) under 30 CFR 290.7 and 43 CFR Part 4. The appellant may thereafter challenge the IBLA decision in Federal Court. The Department of the Interior Solicitor's Office may determine that it is appropriate to simplify the processing of an appeal by allowing the appellant to bypass IBLA. Since IBLA's jurisdiction does not extend to the review of decisions issued by the Secretariat, which includes the Assistant Secretaries, the decisions for such appeals are rendered by an Assistant Secretary. If such an appeal involves a Federal lease, the appeals decision will be rendered by the Assistant Secretary for Land and Minerals Management (AS/LM); if the appeal involves an Indian lease, the appeals decision will be rendered by the Assistant Secretary for Indian Affairs (AS/IA).

B. For other appeals that involve Indian leases, the appeals decisions are rendered by the Deputy Commissioner of Indian Affairs.

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Supersedes Release No. 216  
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C. Appeals decisions for other complex appeals involving Federal leases are rendered by the Associate Director for PMI.

D. Routine appeals involving Federal leases, as defined in 5C(1) of this manual chapter, are rendered by various RMP officials. These routine decisions were previously rendered by the Chief of the Appeals Division (AD) and until the decisions for those appeals in process within AD are issued, the authority to render the decisions on the routine appeals will be also delegated to the Chief, AD.

4. Authority.

A. Allotted Lands Indian Leasing Act (25 U.S.C. 396).

B. Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701-1757).

C. Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025).

D. Indian Mineral Development Act of 1982 (25 U.S.C. 2101-2108).

E. Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359).

F. Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181-287).

G. Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331-1356).

H. Tribal Lands Minerals Leasing Act (25 U.S.C. 396a-g).

I. Departmental Manual 200 DM 1 and 2, General Provisions; and 218 DM 1 and 2, Minerals Management Service.

J. MMS Manual (MMSM 200.1, Redelegations).

5. Delegated Authority.

A. The Deputy Director and Associate Director for PMI are delegated the authority to render decisions on appeals from orders issued by MMS officials. The Associate Director for PMI is delegated the authority to process and concur on

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behalf of MMS on the appeals decisions drafted for the signature of the AS/LM, AS/IA, and the Deputy Commissioner for Indian Affairs.

B. The Associate Directors for PMI and RMP are further redelegated the authority to approve notice documents, except rule-related notice documents, on matters relating to appeals and publish them in the Federal Register.

C. The following RMP officials, the Chiefs: Valuation and Standards Division; Compliance Verification Division; Reports and Payments Division; Royalty Accounting Division; Data Management Division; the Compliance Division Chiefs in Dallas, Houston, and Lakewood; and the State and Indian Compliance Division Chief are delegated the authority through the Associate Director for RMP; and the Chief, AD is delegated the authority through the Associate Director for PMI, to take the following actions related to appeals submitted to the Director:

(1) Render decisions on appeals to the Director which fall within the following categories:

(a) Appeals which were not timely filed during the time period required by 30 CFR Part 290.

(b) Appeals from an assessment by the RMP under 30 CFR 216.40 and 30 CFR 218.40 for a required report filed late.

(c) Appeals from an assessment by the RMP under 30 CFR 216.40 and 30 CFR 218.40 for the failure to file a required report.

(d) Appeals from an assessment by the RMP under 30 CFR 216.40 and 30 CFR 218.40 for an incorrectly completed report.

(e) Appeals from an assessment by the RMP under 30 CFR 218.54, 30 CFR 218.102, 30 CFR 218.150, 30 CFR 218.202, and 30 CFR 218.302 of interest for unpaid and underpaid amounts due. This category is limited to factual issues involving the time value of money and where prior decisions set a clear precedent.

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(f) Appeals wherein the appellant neglects to file a written showing and argument on the facts and laws to justify reversal or modification of an order or decision.

(g) Appeals for which the officer who issued the order or decision, which is the subject of the appeal, requests that the appeal be resolved at RMP because the order or decision is being rescinded.

(2) Process and concur, on behalf of MMS, final decisions on appeals which involve Indian leases which fall within the categories identified in C(1) of this paragraph. These decisions will be forwarded to the BIA for signature.

(3) Allow oral argument and fix time for oral argument in an appeal that falls within the categories identified in C(1) above.

(4) Extend the time for filing any document in connection with an appeal that falls within the categories identified in C(1) above, after the full report required by 30 CFR 290.3 has been submitted to the Director.

(5) Approve correspondence for appeals that fall within the categories identified in C(1) above, concerning the release of records requested under the Freedom of Information Act.

D. The official issuing the order or decision from which the appeals are being made, is delegated the authority to take the following actions related to appeals to the Director:

(1) Accept within 30 days from service of the order or decision by an officer of the MMS, excluding decisions by the Deputy Director, by the Director, or by the Secretary of the Interior, a filing of a notice of an appeal, including accepting additional statements of reasons and written arguments and briefs. Extensions for filing the notice of appeal may not be granted.

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(2) Make a full report and recommendation on the appeal for consideration by the officials delegated authority under C(1) above, by the Deputy Director, by the Director, or by the BIA approving official.

(3) Extend the time, until the full report required by 30 CFR 290.3 has been submitted to the Director for filing any document in connection with an appeal, excluding extending the time fixed for filing a notice of appeal.

E. The Associate Directors for PMI and RMP, as appropriate, are delegated the authority to suspend orders or decisions under appeal.

F. The Chief, AD is delegated the authority through the Associate Director for PMI to take the following actions on appeals filed under 30 CFR Part 290 that fall outside the categories identified in C(1) above.

(1) Allow oral argument in an appeal case pending before the Director and to fix time for oral argument.

(2) As permitted by the Associate Director for PMI (or Deputy), extend the time for filing any document in connection with an appeal, after the full report required by 30 CFR 290.3 has been submitted to the Director.

(3) Draft decisions on appeals to be rendered by the Associate Director for PMI, by the Deputy Director, by the Director, by the AS/LM, or by the BIA approving official.

(4) Approve correspondence on matters relating to appeals which releases records requested under the Freedom of Information Act.

6. Determination Final. Determinations by the Deputy Director and the Associate Directors for PMI and RMP or their designee as to which appeals fall within any of the categories described in paragraph 5C(1) of this chapter are final. Decisions on appeals rendered by officials under the authority delegated under this chapter are not subject to further appeal to the Director, but shall be considered decisions of the Director for purposes of 30 CFR Part 290 and 43 CFR Part 4.

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7. Revisions to Special Redelegations.

A. Revisions to the delegations in this chapter become effective when they are approved for publication in the delegation series of the MMS directives system.

B. The Deputy Director and the Associate Directors for PMI and RMP will process revisions to these delegations according to MMS directives and delegations review and approval procedures.