

**Minerals Management Service
Minerals Management Service Manual**

Effective Date: October 28, 2005

Series: Delegation

Part 230: Special Redelegations

Chapter 1: Authority to Render Decisions on Appeals

Originating Office: Policy and Appeals Division, Office of Policy and Management Improvement

1. Purpose. This chapter delegates to the MMS Deputy Directors and the Associate Director for Policy and Management Improvement (PMI) the authority to render decisions on appeals filed under 30 CFR Part 290, Subpart B, and to further delegate to the Associate Director for PMI and to the Associate Director for Minerals Revenue Management (MRM) the authority to perform functions related to the appeals process.

2. Objective. The objective of this chapter is 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 MRM matters as they relate to mineral leases on Indian lands is carried out by the Bureau of Indian Affairs (BIA). Appeal decisions involving Federal leases are rendered by the Associate Director for PMI.

4. Authority.

- A. Allotted Lands Indian Leasing Act (25 U.S.C. §396).
- B. Federal Oil and Gas Royalty Management Act of 1982 and the Royalty Simplification and Fairness Act (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 (30 U.S.C. §§351-359).
- F. Mineral Leasing Act of February 25, 1920 (30 U.S.C. §§181-287).
- G. Outer Continental Shelf Lands Act (43 U.S.C. §§1331-1356).

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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 Directors and the Associate Director for PMI are delegated the authority to process and render decisions on appeals from orders issued by MRM officials. Expressly included in this delegation is the authority to enter into agreements with appellants to extend the deadlines for processing appeals. This authority may be redelegated to lower level employees in both PMI and MRM. The Associate Director for PMI is delegated the authority to process and concur on behalf of the MMS on the appeals decisions drafted for the signature of the Assistant Secretary for Land and Minerals Management, the Assistant Secretary for Indian Affairs, and the Director, BIA.

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

C. The Chief, Policy and Appeals Division is delegated the authority, through the Associate Director for PMI, to process and 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 filed during the time period required by 30 CFR Part 290, Subpart B.

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

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

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

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(e) Appeals from an assessment by the MRM under 30 CFR §§ 218.54, 218.102, 218.150, 218.202, and 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.

(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.

(2) Process and concur, on behalf of the MMS, on 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.

6. Determination Final. Determination by the Deputy Directors and the Associate Director for PMI 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, Subpart B, and 43 CFR Part 4.

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 Directors and the Associate Directors for PMI and MRM will process revisions to these delegations according to MMS directives and delegations review and approval procedures.