Bureau of Indian Affairs, Interior

§ 224.182 What is the Initial Appeal Process?
The initial appeal process is as follows:
(a) Within 30 days of receiving an adverse decision by the Director or within 30 days after the time period within which the Director is required to act under subpart E, a party that may appeal under this subpart may file an appeal to the Principal Deputy Assistant Secretary—Indian Affairs;
(b) Within 60 days of receiving an appeal, the Principal Deputy Assistant Secretary—Indian Affairs will review the record and issue a written decision on the appeal; and
(c) Within 7 days of a decision by the Principal Deputy Assistant Secretary—Indian Affairs, the Secretary will provide a written copy of the decision to the tribe and other participating parties.

§ 224.183 What other administrative appeals processes also apply?
The administrative appeal processes in 25 CFR part 2 and 43 CFR part 4, subject to the limitations in §224.184, apply to:
(a) An interested party’s appeal from an adverse decision or inaction by the Principal Deputy Assistant Secretary—Indian Affairs under §224.182; and
(b) An appeal by a tribe or a person or entity that has entered into a lease, business agreement, or right-of-way from an adverse decision by or the inaction of a Departmental official taken under this part.

§ 224.184 How do other administrative appeals processes apply?
The administrative appeals processes in 25 CFR part 2 and 43 CFR part 4 are modified, only as they apply to appeals under this part, as set forth in this section.

§ 224.185 When are decisions under this part effective?
Decisions under subpart I are effective as follows:
(a) The definition of interested party in 25 CFR part 2 and as incorporated in 43 CFR part 4 does not apply to this part.
(b) The right of persons or entities other than an appealing party to participate in appeals under 25 CFR part 2 and 43 CFR part 4 does not apply to this part, except as permitted under paragraph (c) of this section.
(c) The only persons or entities, other than appealing parties, under §224.181(a) to (c), who may participate in an appeal under this part are:
(1) The Secretary, if an appeal is taken from a decision of the Director or Principal Deputy Assistant Secretary—Indian Affairs;
(2) A tribe, which may intervene, appear as an amicus curiae, or otherwise appear in any appeal taken under this part by a person or entity who has entered into a lease, business agreement, or right-of-way with the tribe or by an interested party under this part;
(3) A person or entity that has entered into a lease, business agreement, or right-of-way with a tribe, may intervene, appear as an amicus curiae, or otherwise appear in any appeal taken under this part by the tribe or by an interested party under this part.
(d) The Secretary does not have an obligation to provide notice and service upon non-appealing persons as provided in 25 CFR part 2 and 43 CFR part 4. The only exception to this principle is that notice and service of all documents must be served consistent with the requirements of 25 CFR part 2 and 43 CFR part 4 on those persons or entities identified in paragraph (c) of this section.

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are final for the Department. These decisions and findings are effective upon issuance.

(b) Decisions under this part, other than those in paragraph (a) of this section, that adversely affect a tribe and for which an appeal is pending are not final for the Department and are not effective while the appeal is pending, unless:

(1) The tribe had an opportunity for a hearing before the decision was issued;

(2) The tribe had a reasonable amount of time to comply with the TERA after the decision was issued; and

(3) The Interior Board of Indian Appeals (Board), the Secretary, or Assistant Secretary—Indian Affairs issued a written decision that, notwithstanding a reasonable period given the tribe to comply with the TERA, the tribe has failed to take the actions necessary to comply with the TERA.

(c) All other decisions rendered by the Board or the Assistant Secretary—Indian Affairs in an appeal from a Director’s decision under subparts E, F, or G of this part are effective when issued.

PART 225—OIL AND GAS, GEOTHERMAL, AND SOLID MINERALS AGREEMENTS

Subpart A—General

Sec. 225.1 Purpose and scope. [Reserved]

Subpart B—Minerals Agreements

225.20 Authority to contract.

225.21 Negotiation procedures.

225.22 Approval of minerals agreements.

225.23 Economic assessments.

225.24 Environmental studies.

225.25 Resolution of disputes.

225.26 Auditing and accounting.

225.27 Forms and reports.

225.28 Approval of amendments to minerals agreements.

225.29 Corporate qualifications and requests for information.

225.30 Bonds.

225.31 Manner of payments.

225.32 Permission to start operations.

225.33 Assignment of minerals agreements.

225.34 [Reserved]

225.35 Inspection of premises; books and accounts.

225.36 Minerals agreement cancellation; Bureau of Indian Affairs notice of non-compliance.

225.37 Penalties.

225.38 Appeals.

225.39 Fees.

225.40 Government employees cannot acquire minerals agreements.


SOURCE: 59 FR 14971, Mar. 30, 1994, unless otherwise noted.