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§ 3190.2–2 Enforcement means action taken by an authorized representative of the Secretary in order to obtain compliance with applicable regulations, Offshore Oil and Gas Orders, Notices to Lessees and Operators, approvals, other written orders, the mineral leasing laws, and the Federal Oil and Gas Royalty Management Act.

§ 3190.2–3 Indian lands means any lands or interests in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to Federal restriction against alienation, including mineral resources and mineral estates reserved to an Indian tribe or Indian allottee in the conveyance of a surface or nonmineral estate, except that such term does not include any lands subject to the provisions of section 3 of the Act of June 28, 1906 (34 Stat. 539).

§ 3190.2–4 Proprietary data means information obtained from a lessee that constitutes trade secrets, or commercial or financial information that is privileged or confidential, or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)).

§ 3190.0–7 Cross references.
(a) 25 CFR 211.18; 212.24; 213.34.
(b) 30 CFR part 229.
(c) 43 CFR part 3160.

§ 3190.2–1 Recordkeeping, funding and audit.

§ 3190.2–2 Recordkeeping.
(a) Records and accounts relating to activities under delegations of authority, cooperative agreements or contracts shall be identified in the delegation, cooperative agreement or contract.
(b) All records and other materials relating to a delegation of authority, cooperative agreement or contract shall be maintained by the State, Indian Tribe or contractor for a period of 6 years from the date they are generated or such other period as may be specified in the delegation, cooperative agreement or contract.

§ 3190.2–3 Funding.
(a) States and Tribes shall provide adequate funding for administration and execution of activities carried out under a delegation or cooperative agreement.
(b) Reimbursement for allowable costs incurred by a State, Indian tribe or contractor as a result of activities carried out under a delegation of authority, cooperative agreement or contract shall be as negotiated, with the following limitations:
(1) Up to 100 percent for a delegation of authority; or
(2) Up to 100 percent for a cooperative agreement.
§ 3190.2–3
(c) Funding shall be subject to the availability of funds.
(d) States, Indian tribes or contractors shall maintain financial records relating to the funds received and expended under a delegation of authority, cooperative agreement or contract as specified in the delegation of authority, cooperative agreement or contract.
(e) Reimbursement shall be at least quarterly and only shall be made upon submission of an invoice or request for reimbursement to the authorized officer.


§ 3190.2–3 Audit.
In maintaining financial records relating to the funds received and expended under a delegation of authority, cooperative agreement, or contract, States, Indian tribes and contractors shall maintain financial records relating to the funds received and expended under a delegation of authority, cooperative agreement, or contract. Reimbursement shall be at least quarterly and only shall be made upon submission of an invoice or request for reimbursement to the authorized officer.


§ 3190.3 Sharing of civil penalties.
Fifty percent of any civil penalty collected by the United States as a result of activities carried out by a State under a delegation of authority or a State or Indian tribe under a cooperative agreement shall be payable to the United States. Such amount shall be deducted from compensation due to the State or Indian tribe by the United States under the delegation of authority or cooperative agreement.

[56 FR 2998, Jan. 25, 1991]

§ 3191.1—Delegation of Authority

Subpart 3191—Delegation of Authority

§ 3191.1 Petition for delegation.

§ 3191.1–1 Petition.
The Governor or other authorized official of any eligible State may request in writing that the Director delegate all or part of his/her authority and responsibility for inspection, enforcement and investigation on oil and gas leases on Federal lands within the State and on Indian lands within the State where the affected Indian tribe or Indian allottee has given written permission for such inspection, enforcement and investigation. Requests by a State for delegation of other activities may be granted by the Director with the approval of the Secretary.

§ 3191.1–2 Eligibility.
Any State with producing oil or gas leases on Federal or Indian lands may request a delegation of authority.

§ 3191.1–3 Action upon petition.
Upon request for a delegation of authority, the Director shall determine if:
(a) The State has proposed an acceptable plan for carrying out the delegated activities and will provide adequate resources to achieve the purposes of 30 U.S.C. 1735. This plan shall, at a minimum:
(1) Identify specific authorities and responsibilities for which the State is requesting a delegation of authority and whether it is applicable to Federal lands only or includes Indian lands;
(2) Provide evidence of written permission of the affected Indian tribe(s) or allottee(s) for such lands;
(3) Include specifics for carrying out the delegated activities;
(4) Indicate the inspector resources for carrying out the delegated activities and documentation of inspector qualifications;
(5) Describe the proposed record keeping for funding purposes;
(6) Detail the frequency and method of payment; and
(7) Include copies of any non-Federal forms that are to be used.