

INDIAN AFFAIRS MANUAL

Part 48

Indian Energy Service Center

Chapter 1

Overview

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1.1 Purpose. This chapter establishes the policy and responsibilities of the Indian Energy Service Center (IESC) within the Office of Trust Services (OTS), Bureau of Indian Affairs (BIA). The IESC develops policies, standardizes procedures, and implements best management practices for all types of energy, renewable energy, and mineral leasing, permitting and development.

The IESC also serves as the primary point of contact for coordinating Indian mineral and renewable energy projects, which often require coordination with, and assistance from, multiple Department of the Interior (DOI) bureaus such as the Bureau of Land Management (BLM), the Office of Natural Resources Revenue (ONRR), and/or the Bureau of Trust Funds Administration (BTFA). The IESC coordinates with various Federal Partners, States and Tribal Governments, as needed.

1.2 Scope. This policy applies to all programs and offices under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including AS-IA offices, and the BIA, involved in processing, reviewing, and approving mineral, energy or renewable energy lease documents, Indian Mineral Development Act (IMDA) Agreements, Tribal Energy Resource Agreements (TERA) and/or Tribal Energy Development Organization approvals on Indian lands and minerals.

1.3 Policy. It is the policy of Indian Affairs (IA) to ensure compliance with all applicable Indian energy, minerals and renewable energy regulations, requirements, and standards, and to promote sustainable practices to carry out the trust mission of IA for Tribes, and trust beneficiaries and owners.

1.4 Authority.

A. Statutes and Regulations.

- 1) 25 U.S.C. § 396, Act of March 3, 1909 (Leases of Allotted Lands for Mining Purposes)
- 2) 25 U.S.C. §§ 396a-g, Indian Mineral Leasing Act of 1938
- 3) 25 U.S.C. § 415, Indian Long-Term Leasing Act of 1955
- 4) 25 U.S.C. §§ 2101-2108, Indian Mineral Development Act (IMDA) of 1982
- 5) 25 U.S.C. §§ 3501-3507, Indian Tribal Energy Development and Self-Determination Act Amendments of 2017
- 6) 25 CFR Part 162, Leases and Permits

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- 7) 25 CFR Part 211, Leasing of Tribal Lands for Mineral Development
- 8) 25 CFR Part 212, Leasing of Allotted Lands for Mineral Development
- 9) 25 CFR Part 224, Tribal Energy Resource Agreements under the Indian Tribal Energy Development and Self Determination Act
- 10) 25 CFR Part 225, Oil and Gas, Geothermal, and Solid Mineral Agreements

B. Handbooks.

- 1) BIA Fluid Mineral Estate Procedural Handbook (52 IAM X-H)
- 2) DOI Onshore Energy and Mineral Lease Management Interagency Standard Operating Procedures (SOP)

1.5 Responsibilities.

- A. AS-IA** is responsible for the final review and approval, or disapproval, of any TERA applications submitted to BIA. In accordance with the TERA regulations, within 270 days of the date on which the final completed tribal application is submitted, the AS-IA must issue a decision on the application.

The AS-IA is responsible for the final review and approval, or disapproval, of any TEDO applications submitted to BIA under the TEDO regulations. The AS-IA must issue a decision within 90 days of the date on which the final tribal TEDO application is submitted.

The AS-IA is responsible for the final review and disapproval of an IMDA agreement. This authority cannot be delegated.

- B. Director, BIA (DBIA)** is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the IESC program. The DBIA serves as the Senior Accountable Officer for the IESC program and has primary responsibility for implementing and executing the BIA programs in accordance with statute, regulation, and Departmental policy affecting Indian trust ownership and resources.
- C. Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for overseeing the Regional Directors (RDs) and disseminating policy relevant to the BIA regions.

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- D. **DBD, Office of Trust Services (OTS)** is responsible for overseeing the OTS programs including the IESC. The DBD-OTS ensures that statutory and regulatory timetables for leasing requests are met, and guidance is available to regional and agency staff tasked with processing lease applications; initiates periodic program reviews of regional and agency programs; and assists in the development and dissemination of trust resource policies to the BIA Regional Directors.
- E. **Division Chief, Division of Land, Titles and Records (DLTR)** establishes the land titles and records program policies, guidance, and standards for complying with statutory and regulatory requirements. The Division Chief also maintains oversight of the land titles and records program throughout BIA; provides technical assistance and training to BIA regions; and manages BIA's responsibilities including meeting federal reporting requirements and producing or preparing data quality reports related to trust or restricted title, deeds, correction deeds and affidavits.
- F. **Land Titles and Records Office, OTS** is responsible for recording Indian land title, encumbrance and leasing documents, including review and determination, maintenance and certified reporting of land title ownership and encumbrance on Indian trust and restricted lands.
- G. **Regional Director** serves as the Senior Accountable Official for the realty program in their respective region and is responsible for reviewing and acting on Tribal or individual applications, leases, IMDAs (except as noted above for the disapproval by AS-IA), etc., that are not otherwise delegated to the BIA Superintendent or agency level to ensure appropriate action to address internal and external findings.
- H. **Agency Realty Officer** is responsible for the verification of ownership to prepare and/or review of energy, minerals and renewable energy leasing documents and working with the Land Titles and Records Manager to record these leases.
- I. **Land Titles and Records Manager** is responsible for providing for the custody, maintenance, use, certification of land title documents, and issuance of Title Status Reports (TSR) for Indian Trust.
- J. **Agency Superintendents** are responsible for managing their respective organization's Realty program compliance in day-to-day operations and coordinating reviews of leasing applications. Superintendents oversee the Agency Realty Officer(s) and ensure appropriate action to address any finding of errors in leasing documents. Superintendents serve as Awarding Officials for applications and leases.
- K. **Director, IESC** is responsible for overall policy and guidance development within the division, including establishing realty program policies and standards to comply with

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statutory and regulatory requirements of energy, minerals and renewable energy leasing, permitting, and management; day-to-day oversight of the IESC program; ensuring technical assistance and training is provided to BIA regions as needed, conducting program reviews, managing OTS's federal reporting requirements as they relate to the development of energy, minerals and renewable energy resources through realty programs and producing or preparing data quality reports related to energy, minerals and renewable energy.

The IESC is responsible for planning and hosting all DOI Federal Partners and Indian Energy Mineral Steering Committee (IEMSC) Meetings, as well as maintaining and updating IEMSC charters.

The IESC is responsible for updating, maintaining, and providing trainings on all Indian section attachments found in the DOI Onshore Energy and Mineral Lease Management Interagency SOP, as listed below and any future Indian attachments:

- Attachment A – Fluid Minerals Indian
- Attachment C – Solid Minerals Indian
- Attachment E – Information Sharing by BIA, Bureau of Land Management (BLM), Division of Energy and Mineral Development (DEMD), Office of Natural Resources Revenue (ONRR), Office of Surface Mining (OSM), and the Office of Special Trustee for American Indians (OST) (now the Bureau of Trust Funds Administration (BTFA)).
- Attachment F – Indian Mineral Development Act (IMDA) Agreements
- Attachment H – Renewable Energy Resource Development on Indian Lands
- Attachment I – Tribal Energy Resource Agreement (TERA) / Tribal Energy Development Organization (TEDO)

The IESC provides technical assistance, guidance, recommendations, and trainings to BIA, BLM, ONRR, and BTFA employees responsible for processing or supporting all energy and mineral leases, permits, and management of trust and restricted lands.

The IESC provides technical assistance, guidance, and training to federally recognized Tribes, Tribal leaders, Tribal staff, and Federal Partners regarding mineral and energy development, including renewable energy leasing, permitting and management on trust and restricted lands.

The IESC is responsible for the processing and distribution of mineral royalties due to Indian Allotted Mineral Interest owners through the Mineral Royalty and Accounting Distribution (MRAD) system.

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The IESC processes, approves and/or releases all nationwide bonds on mineral leases. The regional and agency offices process Collective and Statewide bonds..

The IESC tracks and coordinates liability reviews and responds to bankruptcy notices from the Solicitor's office, ONRR and/or the Department of Justice for Indian oil and gas company filings.

Approval

Darryl LaCounte

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2/14/23

Darryl LaCounte

Director, Bureau of Indian Affairs

Date