

## Bureau of Indian Affairs, Interior

## § 224.10

- 224.119 What must the Director do when making a decision on a petition?
- 224.120 What action may the Director take to ensure compliance with a TERA?
- 224.121 How may a tribe or a petitioner appeal the Director's decision about the tribe's compliance with the TERA?

### Subpart F—Periodic Reviews

- 224.130 What is the purpose of this subpart?
- 224.131 What is a periodic review and evaluation?
- 224.132 How does the Director conduct a periodic review and evaluation?
- 224.133 What must the Director do after a periodic review and evaluation?
- 224.134 How often must the Director conduct a periodic review and evaluation?
- 224.135 Under what circumstances may the Director conduct additional reviews and evaluations?

### NONCOMPLIANCE

- 224.136 How will the Director's report address a tribe's noncompliance?
- 224.137 What must the Director do if a tribe's noncompliance has resulted in harm or the potential for harm to a physical trust asset?
- 224.138 What must the Director do if a tribe's noncompliance has caused imminent jeopardy to a physical trust asset?
- 224.139 What must a tribe do after receiving a notice of imminent jeopardy to a physical trust asset?
- 224.140 What must the Secretary do if the tribe fails to respond to or does not comply with the Director's order?
- 224.141 What must the Secretary do if the tribe responds to the Director's order?

### Subpart G—Reassumption

- 224.150 What is the purpose of this subpart?
- 224.151 When may the Secretary reassume activities?
- 224.152 Must the Secretary always reassume the activities upon a finding of imminent jeopardy to a physical trust asset?

### NOTICE OF INTENT TO REASSUME

- 224.153 Must the Secretary notify the tribe of an intent to reassume the authority granted?
- 224.154 What must a notice of intent to reassume include?
- 224.155 When must a tribe respond to a notice of intent to reassume?
- 224.156 What information must the tribe's response to the notice of intent to reassume include?
- 224.157 How must the Secretary proceed after receiving the tribe's response?
- 224.158 What must the Secretary include in a written notice of reassumption?

- 224.159 How will reassumption affect valid existing rights or lawful actions taken before the effective date of the reassumption?
- 224.160 How will reassumption affect a TERA?
- 224.161 How may reassumption affect the tribe's ability to enter into a new TERA or to modify another TERA to administer additional activities or assume administration of activities that the Secretary previously reassumed?

### Subpart H—Rescission

- 224.170 What is the purpose of this subpart?
- 224.171 Who may rescind a TERA?
- 224.172 May a tribe rescind only some of the activities subject to a TERA while retaining a portion of those activities?
- 224.173 How does a tribe rescind a TERA?
- 224.174 When does a voluntary rescission become effective?
- 224.175 How will rescission affect valid existing rights or lawful actions taken before the rescission?

### Subpart I—General Appeal Procedures

- 224.180 What is the purpose of this subpart?
- 224.181 Who may appeal Departmental decisions or inaction under this part?
- 224.182 What is the Initial Appeal Process?
- 224.183 What other administrative appeals processes also apply?
- 224.184 How do other administrative appeals processes apply?
- 224.185 When are decisions under this part effective?

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### Subpart A—General Provisions

#### § 224.10 What is the purpose of this part?

This part:

- (a) Establishes procedures by which a tribe, at its discretion, may enter into and manage leases, business agreements, and rights-of-way for purposes of energy resource development on tribal land; and
- (b) Describes the process for obtaining, implementing, and enforcing a tribal energy resource agreement (TERA) that will allow a tribe to enter

## § 224.20

into individual leases, business agreements, and rights-of-way without obtaining Secretarial approval.

### § 224.20 How will the Secretary interpret and implement this part and the Act?

(a) The Secretary will interpret and implement this part and the Indian Tribal Energy Development and Self-Determination Act (the Act) in accordance with the self-determination and energy development provisions and policies in the Act.

(b) The Secretary will liberally construe this part and the Act for the benefit of tribes to implement the Federal policy of self-determination. The Secretary will construe any ambiguities in this part or the Act in favor of the tribe to implement a TERA as authorized by this part and the Act.

### § 224.30 What definitions apply to this part?

*Act* means the Indian Tribal Energy Development and Self-Determination Act of 2005, as promulgated in Title V of the Energy Policy Act of 2005, Public Law 109-58, 25 U.S.C. 3501-3504.

*Application* means the application submitted for a TERA under subpart B.

*Business agreement* means:

(1) Any permit, contract, joint venture, option, or other agreement that furthers any activity related to locating, producing, transporting, or marketing energy resources on tribal land;

(2) Any amendment, supplement, or other modification to such an agreement; or

(3) Any other business agreement entered into or subject to administration under a TERA.

*Days* mean calendar days in computing any period prescribed or allowed by the Act and this part:

(1) Do not include the day of the event from which the period begins to run;

(2) Include the last day of the period, unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday; and

(3) When the period prescribed or allowed is less than 11 days, exclude intermediate Saturdays, Sundays, and

## 25 CFR Ch. I (4-1-08 Edition)

Federal holidays from the computation.

*Decision Deadline* means the 120-day period within which the Director will make a decision about a petition submitted by an interested party under subpart E. The Director may extend this period for up to 120 days.

*Department* means the Department of the Interior.

*Designated Tribal Official* means the official designated in a tribe's pre-application consultation request, application, or agreement to assist in scheduling consultations or to receive communications from the Secretary or the Director to the tribe regarding the status of a TERA or activities under a TERA.

*Director* means the Director of the Office of Indian Energy and Economic Development or the Secretary's designee, authorized to act on behalf of the Secretary.

*Energy Resources* means both renewable and nonrenewable energy sources, including, but not limited to, natural gas, oil, uranium, coal, nuclear, wind, solar, geothermal, biomass, and hydrologic resources.

*Imminent jeopardy to a physical trust asset* means an immediate threat of devaluation, degradation, damage, or loss of a physical trust asset, as determined by the Secretary, caused by the non-compliance of a tribe or third party with a TERA or applicable Federal laws.

*Interested party* means a person or entity who has filed a petition with the Secretary under subpart E seeking review of a tribe's compliance with a TERA and who meets the criteria in § 224.101.

*Lease* means a written agreement, or modification of a written agreement, between a tribe and a tenant or lessee, whereby the tenant or lessee is granted a right to possession of tribal land or energy mineral resources for purposes of energy resource development.

*Petitioner* means a person or entity who has filed a petition under subpart E with a tribe or the Secretary seeking review of a tribe's compliance under a TERA. A petitioner is not considered to be an interested party unless the petitioner meets the criteria in § 224.101.