

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ASSISTANT SECRETARY -- INDIAN AFFAIRS
BUREAU OF INDIAN AFFAIRS**

**ASSISTANT SECRETARY -- LAND AND MINERALS
BUREAU OF LAND MANAGEMENT
MINERALS MANAGEMENT SERVICE**

INDIAN MINERAL RESOURCES AND ROYALTY MANAGEMENT

This Memorandum of Understanding (MOU) revises the MOU between the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM) and Minerals Management Service (MMS) Regarding Working Relationships Affecting Mineral Lease Activities, signed August/September, 1991.

Purpose:

This MOU provides the method by which the BIA, BLM and MMS will work together to: develop a stronger government-to-government relationship, a strengthened partnership with tribes, the enhancement of opportunities through self-determination and self-governance, and improved communications with tribes and allottees, all within the framework of the Secretary of the Interior's trust responsibility for Indian mineral resources and royalty management.

The purpose of the MOU is to create an efficient and effective working relationship among the three bureaus to achieve the goals listed below:

Goals:

This MOU fosters collaboration and joint activities among the three bureaus to achieve the following common goals:

- Ensure that the BIA, BLM, and MMS operate within a government-to-government relationship with tribal governments on Indian mineral programs.

- Develop and maintain clear and open communication between each bureau to ensure Federal Indian policies are incorporated into the daily mineral program operations.
- Foster better communication and collaboration with tribal governments and allottees to ensure that Indian mineral rights are protected and concerns are considered in the management of Indian mineral resources.
- Identify and streamline practices in the BIA, BLM, and MMS operations that needlessly complicate the management of Indian mineral resources.
- Support and facilitate tribal management of Indian mineral resource programs through Self-Governance Compacts and Self-Determination Contracts.
- Promote greater understanding of all aspects of Indian mineral resource management and facilitate the sharing of technical information, training and/or exchange of technical staff and skills with Indian tribes.
- Develop an awareness among the BIA, BLM, and MMS employees of the cultural diversity of the different tribes and an understanding of American Indians and Alaska Native traditions, cultural and religious values and practices.
- Ensure special efforts within the BIA, BLM and MMS to communicate and collaborate for identifying and addressing the needs and priorities of Indian tribes and allottees.

Agency Roles:

The BIA, BLM and MMS have joint responsibilities for the administration and management of activities for Indian mineral resources.

Through a systematic approach, the BIA, BLM and MMS will strive for continuous quality and productivity improvement through the integrated efforts of the three bureaus.

The roles of the three bureaus are discussed in Attachments A, B, C, D and E.

Attachment A Information Sharing and Responsibilities - Indian Minerals (BIA/BLM/MMS)

Attachment B Information Sharing and Responsibilities - Federal Onshore Minerals (BLM/MMS)

Attachment C Onshore Production Data - Procedures for Data Management (BIA/BLM/MMS)

Attachment D Treatment of Propriety/Confidential Data (BIA/BLM/MMS)

Attachment E Responsibility and Procedure for Indian Mineral Development Act Agreements (IMDA) (BIA/BLM/MMS)

Procedures:

Indian Minerals Steering Committee

In some instances, the division of the Indian minerals management functions between the BIA, BLM and MMS have fragmented the overall program. To resolve these problems, the Indian Minerals Steering Committee (IMSC) was established to act as a forum for addressing broad policy issues confronting management of Indian mineral resources by the three bureaus. The IMSC facilitates the resolution of these issues through collaboration and consensus and provides workable solutions to the Directors of the BIA, BLM and MMS.

BLM/MMS/BIA Technical Subcommittee

A permanent Technical Subcommittee is established to advise and provide recommendations to the IMSC for Federal onshore minerals activities. This subcommittee will consist of one member from each agency.

The BLM and MMS have responsibility for the management and royalty accounting of Federal onshore minerals. Attachment B (Information Sharing and Responsibilities - Federal Onshore Minerals) presents the agreed-to division of responsibilities for Federal onshore lands. However, sometimes

the BLM and MMS programs and/or policies on Federal lands may have an impact on Indian mineral resource management, development and royalty accounting. This subcommittee will focus specifically on resolving issues related to Federal onshore minerals between the BLM and MMS and evaluate the potential impact on Indian mineral resource activities.

Subcommittees

The IMSC is empowered to appoint subcommittees to perform studies and analyses, as needed, to carry out its responsibilities. The subcommittees will meet, as necessary, to perform the studies or analyses of specific issues, programs or proposals identified by the IMSC. The subcommittees will be composed of at least one representative from each participating bureau. The respective bureaus will provide temporary staff assistance to support these efforts.

The subcommittees will advise and make recommendations for the consideration of the full IMSC. The activities or recommendations will be reported as agenda items at the meetings of the Committee.

Regulations and Policy Documents

The BIA, BLM and MMS develop and issue regulations and policy documents that affect the management of Indian mineral resources and lease management activities. These regulations or policies may have an impact on the mission or activities of another bureau. It is, therefore, important that the other respective bureaus be informed early in the process.

This can be accomplished through the notification of the IMSC or through the Department's Regulatory Alert Process. Also, if a bureau is aware of proposed regulations or policies that may affect the activities of another bureau, the bureau should directly invite the affected bureau(s) to participate in the development of the new or changed regulations or policies. The affected bureau(s) is(are) encouraged to assign an individual as a contact point to facilitate the review or to actively participate as a team member during the development of the regulations or policies.

The participating bureaus should cooperate in the preparation of the proposed document to resolve any concerns before the formal review by the

and increased tribal involvement. The outreach efforts should help the three bureaus to respond to the new and changing management roles associated with Indian mineral resources.

Computer/Data Systems

The BIA, BLM and MMS will invite the other bureaus to participate in the development of new or modification of existing computer systems to handle Indian mineral data. Notification should be provided to BIA - Director, Office of Trust Responsibilities, BLM - Chief, Division of Fluid Minerals, and MMS - Royalty Management Program, Deputy Associate Director for Valuations and Operations, or their successors. This provides the bureaus the opportunity to exchange information on system design and to discuss data compatibility with existing systems. It will also provide the opportunity for bureaus to jointly fund the contract or amend the contract to provide additional services at reduced costs.

Self Determination/Self Governance

Self-determination and self-governance programs are designed to provide tribal governments with more control and decision-making authority over programs, services and functions previously provided by the BIA. The BLM and MMS will also evaluate their respective bureau mineral trust responsibility to identify those that can be contracted or compacted by tribal governments. The bureaus will work with tribes to encourage and facilitate the tribal management of the Indian mineral resource and royalty management programs.

Training and Education

Bureau

The BIA, BLM, and MMS need to ensure that their offices operate in a government-to-government relationship with tribal governments and understand the federal trust responsibility. Training courses and material on these subjects need to be incorporated into the respective bureau training programs. The courses and materials will assist the bureau employee in understanding American Indian and Alaska Native issues and concerns. The bureaus should establish cooperative training relationships with American Indian and Alaska Native organizations and universities to produce training programs for managers and staffs. For efficiency and to improve coordination and cooperation, the agencies should try to hold joint training sessions.

The BIA, BLM and MMS should encourage the field offices to share technical information through the exchange of technical staff and skills with Indian tribes for the purpose of promoting greater effectiveness and control in all aspects of the management of Indian mineral resources.

Tribal

Some tribal personnel who manage the minerals activities on Indian trust lands are natural resource managers who need knowledge and/or training in the management of mineral resources or programs. Cooperatively, the three bureaus will have their field staff work with the Indian natural resource managers to help them gain a working knowledge of minerals management.

The bureaus need also to jointly develop and fund curriculums, symposiums and seminars to assist tribal resource managers in making informed decisions concerning mineral resource development and management. Whenever possible the MMS, BLM and BIA should encourage tribal participation at existing bureau training facilities. The three bureaus should initiate cooperative training programs or personnel exchanges.

Consultation with Tribes/Allottees

The MMS, BLM and BIA recognize that consultation is a Federal Indian policy that furthers the government-to-government relationship between the United States government and Indian tribes. Therefore, together they will consult with tribes in interest prior to making decisions that would alter the way in which Federal trust services for minerals are delivered.

They will also confer with allottees and with individual Indian organizations which are incorporated for the purpose of representing intertribal minerals interests, individual Indian mineral interests or both.

The three bureaus will develop and establish a continuous communication mechanism by which they can jointly seek participation and provide feedback. It is important that the local BLM and BIA officials and MMS regional staffs participate in these consultation efforts. The MMS, BLM and BIA representatives will meet with the tribes and local communities to obtain feedback on the bureau Indian mineral programs and to resolve individual problems. As part of this effort, the three bureaus will expand and enhance the MMS "circuit rider" program.

BIA/BLM/MMS Budget Process

When financially advantageous, the BIA, BLM and MMS will collaborate on budget proposals associated with Indian mineral resources and royalty management cross-agency activities. This will allow the bureaus to combine their funds to finance joint efforts to improve the services to tribal governments and allottees and to cut costs.

Review Procedures:

The effectiveness of this partnership will be evaluated on an annual basis by the IMSC. A written report will be provided to the Director of each bureau and the Assistant Secretaries for Indian Affairs and Lands and Minerals.

Designated Agency Contacts:

Each bureau shall designate one of their committee members as the principal contact for that bureau. The designated agency contacts will be responsible for all administrative matters dealing with this agreement, including coordinating proposed changes. Any change in the designated agency contact will be communicated to the IMSC.

Modification:

The IMSC will review the MOU and its attachments at least once each year or on an as-needed basis at the request of one or more bureaus. This MOU and its attachments are considered working documents; proposed substantive changes to the MOU or the attachments will be presented to and approved by the IMSC. Upon agreement by the Committee, technical changes may be incorporated through memoranda issued by the Chairperson.

Approval:

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OCT 21 1994

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