



# United States Department of the Interior

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Washington, D.C. 20240



### NOTICE OF DELEGATION OF AUTHORITY

**From:** Glenda H. Owens  
Deputy Director

**To:** Sean Strate,  
Directives Coordinator

Alfred L. Clayborne,  
Regional Director, Interior Regions 3, 4 & 6

Paul Ehret,  
Chief, Program Support Division, Interior Regions 3, 4, & 6

Joseph Maki,  
Field Office Director, Tulsa Field Office

**Date:** January 13, 2022

**Subject:** Delegation of authority to regulate coal mining and reclamation operations on Indian lands in Oklahoma

Under the authority delegated to me by the Secretary of the Department of the Interior (Department) pursuant to Reorganization Plan No. 3 of 1950 and Public Law No. 98-532, and in accordance with Part 200, Chapter 2, of the Departmental Manual (200 DM 2), I hereby delegate the following authorities to the Regional Director of Interior Regions 3, 4, & 6 (IRs 3, 4, & 6), the Chief of the Program Support Division IRs 3, 4 & 6 (CPS), and the Field Office Director of the Tulsa Field Office (TFOD) of the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the State of Oklahoma:

- Approve, with conditions, or disapprove permit applications, revisions and amendments, and exploration permits for surface coal mining and reclamation operations where OSMRE is the regulatory authority and issue such permits. (30 CFR Subchapter G);
- Forfeit bonds in Federal program states and on Indian lands; and
- Release performance bonds in Federal program states and on Indian lands. (30 CFR 745 & 800).

This delegation is consistent with OSMRE's Directive entitled "Delegations of Authority" (OPM-5), which specifies that authority must be delegated in writing and should be delegated to the lowest levels in the organization to better address issues and strengthen communications.

Recent judicial decisions have recognized that the Muscogee (Creek) Nation, Cherokee Nation, and Choctaw Nation of Oklahoma Reservations in Oklahoma were never been disestablished. As a result, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), OSMRE is the regulatory authority on Indian lands, which include all lands within the exterior boundaries of these Reservations. Because the Regional Director for IRs 3, 4, & 6, the IR 3, 4 & 6 CPS, and the TFOD have not regulated mining operations on Indian lands previously, delegations of authorities must be updated to reflect these new duties.

These new delegations should be included in the next update to OPM-5, which is currently under review.