



U.S. Department of the Interior
"To-Be" Trust Business Model
Process Template

Title: Complete Application Package (Fee-Trust, On-Reservation Undivided Interest)
 This includes the acquisition portion of some Partitions and Exchanges **Process Number**
O.1.2
Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)

1. Process Definition *Provide an overview of the process and define its starting and ending points*

1.1 Starts With	A review of the application by Program Staff that the application is complete and has met initial criteria necessary to proceed with request.
1.2 Process Overview	<p>This process includes review and analysis of all documentation that is required to complete a Fee to Trust acquisition in compliance with statutory and regulatory requirements. This includes the review of an automated application transferred by BRDM to Program Staff and automated receipt of the Categorical Exclusions/Environmental issues from LNRUM. For Gift Deed, Partition, and Exchange this will include Appraisal information. Appropriate automated documentation regarding survey services will be received from the BLM Surveyor.</p> <p>Identify problems with this process that may be resolved through BRDM's Conduct Outreach Activities (B.5.1 Conduct Outreach and B.5.2 Post Outreach Activities). Provide support and/or participate in outreach activities.</p>
1.3 Stops With	Receipt of a Preliminary Title Opinion and completed analysis of the conveyance package.

2. Trust Business Objectives *Identify the Comprehensive Trust Model strategic goals and business objectives to which this process contributes.*

Goal/Objective
Goal 2: Tribal self-governance and self-determination that increase participation in managing assets
Goal 3: Ownership information that is accurate, timely, and reliable
Objective 3.3: Title, Realty, and Administrative Information – Develop, maintain, and make readily available accurate and current asset ownership and administrative information that is managed to professional fiduciary standards.

3. How should Beneficiaries be involved in this process?

Beneficiary Involvement
Beneficiary may be contacted and asked to provide additional information or documentation.



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4. Organizations, Offices and Roles. *Identify the DOI organizations and related roles that should be involved in performing the process.*

4.1 DOI Organizations. *Identify the DOI organizations, offices and individual roles that contribute to this process.*

DOI organizations include the Office of the Secretary, BIA, OST, BLM, MMS, OHA, OSM among others.

Offices include Central Offices, Regional Offices, Agency(Field) Offices, etc.

All individual roles that contribute, in a significant manner, should be identified.

Organization	Office	Role	Contribution
BIA	Agency		Review information submitted for compliance with statute, law, regulation and policy. Participate in outreach activities when requested by the BRDM process.
BIA	Region		Review information submitted for compliance with statute, law, regulation and policy. Participate in outreach activities when requested by the BRDM process.
Solicitor	Attached to the Office of the Solicitor at appropriate geographical location.		Available for any trust related issue at the Regional level that may require a Solicitor's Opinion. For Fee-Trust acquisitions this would be the Preliminary and Final Title Opinions.
Tribe	Applicable tribal office.		For compacted and contracted Tribes that have assumed this responsibility, the Tribe performs all DOI functions except those considered inherently federal.

4.2 External Organizations. *Identify the non-DOI organizations that support the execution of or contribute to this process.*

External Organization	Contribution
State and Local Governments	Mediate any jurisdictional issues within 30 days of notification from BRDM or Program staff.



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5. Event(s) *Identify the events or conditions that start the process. Describe each event and indicate the frequency (daily, monthly, quarterly, etc.) in which each event is expected to occur. An event may be an external interaction (a beneficiary submits an application), the expiration of a period of time (a lease is due to expire in 90 days), or the realization of some pre-defined threshold (an IIM account reaches the automatic disbursement threshold).*

Event	Description	Estimated Frequency
Receipt of the Preliminary Title Opinion.	The Solicitor, accessible to the Regional Office, provides a Preliminary Title Opinion through the automated database.	As necessary.

6. Inputs and Outputs. *Identify and describe all inputs and outputs related to this process. Inputs are information or materials used during the execution of the process; outputs are materials or information produced by the process.*

6.1 Inputs

Input	Description
Application for On-Reservation undivided interest Fee to Trust acquisition.	Submit automated request and appropriate documentation for review including: narrative covering jurisdictional, administrative, existing land use plans; historical information; maps/plats; environmental documentation; tribal resolution; survey; appraisal/valuation; intended use; statutory authority for acquisition; and ownership information.
Documentation from LNRUM	LNRUM has reviewed and approved or prepared a Categorical Exclusion, Environmental Assessment, or Phase I Site Assessments in relation to the proposed acquisition. Submits an automated report to Program Staff for inclusion in the official record.
Receive Preliminary Title Opinion	Submit automated request for a Title Opinion and appropriate documentation for the review of title including: Grant/Warranty Deed, Abstract of Title/Title Insurance Commitment, and Documentation addressing exceptions in Title Insurance Commitment.
Survey	Receive Survey data information.

6.2 Outputs

Output	Description



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Output	Description
Request Final Title Opinion	Submit automated request for a Title Opinion and appropriate documentation for the review of title including: Grant/Warranty Deed, Abstract of Title/Title Insurance Commitment, and Documentation addressing exceptions in Title Insurance Commitment.
Completed Application Package	Completed package for conveyance that has all required checklist documents.

7. Fiduciary and Legal Obligations and Controls

7.1 Obligations

Identify and describe the legal and fiduciary obligations that impact this process. For each obligation, indicate the document or commitment that defines the obligation and the citation (paragraph or section) within the document that pertains to this process.

Obligation	Source	Business Impact
Archaeological Resources Protection Act 1979; P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470aa.		Provides for protection and management of archeological resources and requires notification to affected tribes.
Endangered Species Act 1973 as amended, 16 U.S.C. 1531		Requires all Federal agencies to consult with the Fish and Wildlife Service to ensure that any Federal actions or activity is not likely to jeopardize existence of any species or result in destruction of critical habitat.
Native American Graves Repatriation Act 1999; P.L. 101-601; 25 U.S.C. 3001.		Provides that Federal Agencies must consult with tribes or individuals regarding handling and dispositions of "cultural items" as defined by the Act.
National Environmental Policy Act 1969; P.L. 91-190; 83 Stat. 852; 42 U.S.C. 4321		Establishes national policy for protection and enhancement of the human environment.
National Historical Preservation Act 1966; P.L. 89-655; 80 Stat. 915; 16 U.S.C. 470 and amended 1980: P.L. 96-515; 94 Stat 3000; 16 U.S.C. 470a.		Addresses the preservation of historic properties. Properties may be eligible in whole or in part because of historical importance to tribes, Alaska Native, and individual Indians including traditional religious and cultural importance.



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Obligation	Source	Business Impact
Deputy Commissioner's Memo (April 2, 1998)		Directed Agencies to solicit comments on intended acquisitions from state and local governments.
Deputy Commissioner's Memo (May 30, 1996)		Requires the BIA to wait 30-days prior to taking land into trust.
Deputy Commissioner's Memo (Feb 26, 1999)		As of this date, BIA no longer performs appraisals for fee property with the exception of restricted fee lands.
Deputy Commissioner's Memo (Aug 13, 1999)		BIA has the responsibility to fully inform interested parties of all analysis performed in reaching a decision regarding its intent to bring fee lands into trust status.
Deputy Commissioner's Memo (Dec 20, 1999)		Policy statement requiring the Department to obtain a Preliminary Title Opinion regarding a proposed acquisition from the Field Solicitor's Office.
Deputy Commissioner's Memo (Nov 9, 2001)		The authority to approve/disapprove requests for the acquisition of land into trust for gaming remains with the Assistant Secretary-Indian Affairs. This directive also adds gaming-related acquisitions essential to gaming facilities such as parking lots, or construction of wastewater treatment facilities servicing the gaming facility.
Deputy Commissioner's Memo (April 17, 2002)		Policy statement indicating that the notice and comments provisions, and NEPA provisions, do not apply to mandatory acquisitions. It was also noted, however, that 602 DM 2 is still applicable.
DOJ Title Standards 2001		Standards for the preparation of title evidence in land acquisitions by the United States.
54 BIAM Bureau of Indian Affairs Real Property Management		Patents in Fee, Certificates of Competence, and Removal of Restrictions, Sale of Allotted and Purchased Lands, Exclusive of Five Civilized Tribes Allotted Lands, Partitions of Inherited Allotments (Except as to Osage and Five Civilized Tribes), Removal of Restrictions and Sales of Five Civilized Tribes Allotted Lands Land Allotments



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Obligation	Source	Business Impact
25 USC 2201 Indian Land Consolidation Act (ILCA) of 1984, Amended 2000		Prevent further fractionation of trust allotments and to consolidate fractional interests ... into usable parcels. When there are no eligible heirs, land can be purchased by a co-owner or by the tribe in an effort to reduce fractionation and emphasize tribal sovereignty. ILCA also, in defining the term Indian, redefines who is eligible to hold land and cash in Trust. Has not been implemented and may be replaced by another amendment to ILCA.

7.2 Controls

Identify and describe any controls (enforcement mechanisms) that may be used to ensure that the process adheres to obligations and internal process requirements. Controls may be reviews, audits, segregated duties, etc. Indicate the reason that each control should be introduced (name the obligation that a control is intended to enforce; indicate any controls required to ensure consistency or reliability).

Control	Reason	Description
Compliance Review/Audit	Verification of compliance with standardization requirements.	Annual Central Office review of adherence to Conveyances process requirements.

8. Mechanisms (Systems of Record)

Identify the mechanisms, or systems, that are needed to support the process (ex: Ownership, Leasing, Workflow Management, Office Filing System, etc.). Indicate the information and activities, relevant to this process, that each system supports.

System Name	Support
Integrated Database System	Automated format to allow staff to transmit request for Title Opinion and allow the Solicitor to transmit the response.
Office Filing System	Documentation will be placed in the Official Record.



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9. Inter-Process Relationships *Identify other trust processes that are related to this process (either predecessors or successors). If applicable, indicate the condition under which the processes are related.*

9.1 Predecessors. *Predecessors are processes that either produce information required by this process or that result in the need to execute this process.*

Process No.	Name	Condition of Relationship
O.1.1	Receive and Review Application Request	Reviews and analyzes all documentation that is required to complete the conveyance. This includes the review of application submitted by BRDM to the Program Staff. The compliance documentation (Categorical Exclusions/Environmental issues) is supplied from LNRUM. The valuation reports are supplied from LNRP. Any identified issues should be addressed by either applicant or reviewing office. Requestor addresses any issues which may arise. The BRDM process includes a requested review of survey data.
O.1.1.a	Negotiate/Mediate Jurisdictional Issues	Mediate jurisdictional issues from interested parties.
O.2.2	Provide Existing Information to Requestor	Existing survey data is reviewed and a response is sent to requestor if needed for a conveyance.
O.2.8	Provide Results to Requestor	Survey service results are sent to requestor if needed for a conveyance.
B.6.2.1	Beneficiary Involvement for Ownership.	Assist in coordinating responses to objections or negotiate considerations to objections. Letters of support may be received in lieu of objections.

9.2 Successors. *Successors are processes that either use information produced by this process or that must be executed as a result of performing this process.*

Process No.	Name	Condition of Relationship
O.1.3	Prepare Recommendation for Delegated Line Official	This includes preparation of an automated format to address the background of the application and supporting documentation required to support the decision recommended by the staff.
B.5.1	Conduct Outreach Activity	Participation in Outreach opportunity is requested.



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Process No.	Name	Condition of Relationship
B.5.2	Post Outreach Activity	Participation in debrief of Outreach opportunity is needed.

10. Comments *Summarize any discussion, problems, issues or recommendations that should be considered when reviewing process performance. Category Values (Note, Best Practice, Decision, Problem, Issue, Recommendation)*

Category	Comment
Recommendation	The Solicitor will continue to be attached to the Office of the Solicitor and one Solicitor will accessible to each BIA Regional Office. This Solicitor will provide a Final Title Opinions and Solicitor Opinions for any Indian issue within that Region as required.
Recommendation	The Solicitor will have Integrated Database System access to allow transmittal of requests from the Agencies and responses to these requests within the Region.