



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

Title: Secure Beneficiary Consent

Process Number
UM.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*

<p>1.1 Starts With</p>	<p>Select Management Units for land use contracting where beneficiary consent notification is required to proceed.</p>
<p>1.2 Process Overview</p>	<p>Beneficiary consent may be requested in order to secure approval for a specific type of land use for the MU(s) in question. Similarly, the consent process may be initiated when a tribe or individual Indian requests a land use contract be advertised or negotiated on a tract in which he/she/they have an ownership interest. In cases of "highly fractionated" tracts or management units, a constructive notice is provided to inform ownership interests of a proposed granting of lease/permit involving their land. Owners have an opportunity to express agreement or disagreement with the proposal to grant leases/permits on such lands. Highly fractionated is defined as tracts or management units that contain from 50 to 100 ownership interests and with no single ownership interest containing over 10% of the tract. If the tract or management unit is over 100 ownership interests, then it is considered highly fractionated automatically. Granting authority includes the authority to modify and assign without any further notice. Constructive notice is a general notice published in a local paper(s). The application of the granting of leases or permits in cases of highly fractionated units most often applies to agricultural-type leases, but may apply to other types as well (see comment section below).</p> <p>For a new use proposal, or for a change in type of use, on units that are not highly fractionated, consent requires providing a 90 day notice for the owners to agree on a lease or permit otherwise the Bureau will grant a lease on the owners' behalf in their best interests. For specific long-term impact types of use, such as logging, mining, or oil and gas extraction, a Power of Attorney from the owners or other formal consent to the contract is required.</p> <p>For more detailed descriptions of the consent process, refer to the following:</p> <ul style="list-style-type: none"> • UM.1.2.1 Derive Consent Requirements • UM.1.2.2 Request Beneficiary Consent • UM.1.2.3 Evaluate Consent Responses • UM.1.2.4 Document Basis for Decision
<p>1.3 Stops With</p>	<p>A recording of a consent determination for each Management Unit where consent was requested or a recording of granting of a lease or permit for a tract or management unit containing highly fractionated ownership interests.</p>



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

Title: Secure Beneficiary Consent

Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)

Process Number
UM.1.2

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

Goal/Objective
GOAL 4: LAND AND NATURAL RESOURCES MANAGEMENT THAT MAXIMIZES RETURN WHILE MEETING BENEFICIARY DESIRES
OBJECTIVE 4.1: LAND AND NATURAL RESOURCE ASSET PLANS AND STEWARDSHIP STRATEGIES Develop land and natural resource asset plans and stewardship strategies.
OBJECTIVE 4.2: PRESERVATION AND PROTECTION OF LAND AND NATURAL RESOURCE ASSETS Preserve and protect the long-term viability of land and natural resource assets consistent with fiduciary duties and with the beneficiaries' intended use of the as-sets.
OBJECTIVE 4.3: LAND AND NATURAL RESOURCE ASSET BUSINESS MANAGEMENT Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries and to incorporate beneficiary requirements.
OBJECTIVE 4.4: APPRAISALS Obtain appraisal information, as needed, on trust and restricted lands for tribal and individual Indian owners, using methods and techniques that meet professional standards.
OBJECTIVE 4.5: FRACTIONATION STRATEGY Develop and implement a resolution, which reduces or eliminates the exponential increase in the number of ownership interests in land.

3. How should Beneficiaries be involved in this process?

Beneficiary Involvement
A beneficiary either authorizes or denies moving forward with land use contracting. A beneficiary may respond to a general notice of a proposal to grant a lease involving their ownership interests.



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

Title: Secure Beneficiary Consent	Process Number UM.1.2
<i>Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)</i>	

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		<p>Assess the proposed use, ownership interests and document the type of ownership notification necessary.</p> <p>Determine the appropriate method of consent for the particular land use contract type.</p> <p>Prepare documentation of consent, recommendation for exercising authority on behalf of non-respondents, highly fractioned units or unauthorized respondents and record of determination.</p> <p>Identify tracts requiring consent and forward information to a servicing office to expedite the mass mailings of such notices.</p>
BIA	Regional or National Office that provides a support for mass mailings and tracking of responses.		<p>Coordinate printing and mailing consent requests.</p> <p>Receive and record consent responses or determinations into the electronic lease file and trigger a workflow notice back to the servicing program office of the findings and further lease processing.</p>
Compacted or Contracted Tribe	Tribal Office		Perform 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
None	



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

Title: Secure Beneficiary Consent	Process Number UM.1.2
<i>Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)</i>	

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
Completion of an MU Baseline Report	MU Baseline Report will contain an inventory of MU's available for land use contracts, so this process will be done "en masse", or concurrently, for all MU's available during at this time.	Once per quarter

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
Ownership	All ownership interests by tract, for the management unit, with a MU summation of the number of ownership interests in the MU. This needs to include fee interests in the land.
MU Baseline Report	Compilation of collected data, with a summary of impacts and requirements relevant to developing a land use agreement for the MU(s).

6.2 Outputs

Output	Description
Consent Notification List	Selection of the Management Units (one or more tracts) where beneficiary consent is required. Specific information to be supplied to the beneficiaries in requesting their consent and documentation of the requirements for consent by each Management Unit is also included.



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

Title: Secure Beneficiary Consent

Process Number
UM.1.2

Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)

Output	Description
Consent Requirements	Based on the type of use, the type of consent varies. For continuation of an existing short term use and in cases of highly fractionated units, constructive notice will be performed in place individual consent notices. In other cases, of non-highly fractionated the current practice of providing a notice to provide the owners 3 months to negotiated a lease before consideration of a granting a short term lease will be the practice. For a new use proposal, or for a change in type of use, the consent is a positive request for response, whether the response is to affirm or deny the proposed use. For specific long-term impact types of use, such as logging, mining, or oil & gas extraction, the request is normally for a formal consent signature or a Power of Attorney, serving as both consent and contractual approval.
Consent Request(s)	Description of the MU and planned land use, the detail of the tract(s) comprising the MU, the relevant tract(s) and the beneficiary's ownership-interest(s), and appropriate requested consent response.
Constructive Notice	In cases of highly fractionated lands, a constructive notice will be posted and published in local newspapers informing the public and owners of a proposed granting of lease involving specific tracts and for specific uses. Highly fractionated is defined as tracts or management units that contain from 50 to 100 ownership interests and with no single ownership interest containing over 10% of the tract. If the tract or management unit is over 100 ownership interests, then it is considered a highly fractionated automatically. Owners so affected will have an opportunity to comment on the proposed granting of such leases.
Consent Response Notification	This notification indicates which MU's have reached consent thresholds, what MU's do not require consent due to heavily fractionated ownership, and the ownership interests by MU which the line official is authorized to determine appropriate consent action (whereabouts unknown, minors, etc.).
Final Consent Determination	A final determination of all consent responses and ownership-interests serving as basis for decision, inclusive of line official exercising authority for non-respondents and unauthorized beneficiaries (e.g. whereabouts unknown, minors, etc.).



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

Title: Secure Beneficiary Consent	Process Number UM.1.2
<i>Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)</i>	

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
See attached Schedule 1		

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
Bureau of Indian Affairs Manual (IAM)	Internal control	BIA policies and procedures

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
Ownership/Title	Ownership interests by MU or by tract.
Land Resource Management System	Supports tabulation of ownership interests & determination of which Management Units require consent & the consent requirement rules by MU, documentation of information to be included in the request for consent, and selection of the ownership interests for consent requests. Supports tabulation of consent for single tracts, or aggregation of multiple ownership tracts into a Management Unit, with consent calculation at the MU level optional.
Workflow Engine	Provides automated forwarding of procedural work steps and thresholds.
Imaging System	Supports electronic imaging, storage and retrieval of consent responses across geographically dispersed offices, and reduces paperwork storage at regional and local offices.



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

Title: Secure Beneficiary Consent	Process Number UM.1.2
<i>Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)</i>	

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
UM.1.1	Establish MU Baseline	Once the MU baseline is established, preparations can begin to contract use of tracts within the MU.
B.6.2.3	Beneficiary Involvement for Land and NR Use and Management	Provide consents collected from beneficiaries.

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
UM.1.3	Assess Land Use Suitability	Review Consent Report regarding the intended use and constraints on the use of the MU. Assess the cost/benefit of developing and managing a land use contract.
B.3	Communicate Information	Provide the consent request to beneficiaries.

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
Issue	Should the granting authority apply to proposed commercial, residential leases and if so then changes in appropriate statute may need to be initiated to provide for new authorities in those situations due to limitations of 25 USC 380?
Issue	If fee undivided interests are to be included in the land use contracting, what will be the responsibilities for including such fee interests in consent determinations? Will they have equal standing as a trust interest holder? What other services will be provided to the fee interest holder by other DOI programs such as beneficiary services?