



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

Title: Negotiate Land Use Contract	Process Number UM.2.5
<i>Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)</i>	

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

1.1 Starts With	Expiring leases may cause owners or lessee to initiate lease negotiations. Negotiations may also be started once owners are notified that they have 90 days to select a lessee otherwise the Bureau may grant a lease on their behalf. Select candidate(s) and/or applicant(s) for participation in negotiation.
1.2 Process Overview	<p>Lessee/purchaser and owners have access to BIA land use contract stipulations and requirements, and review the proposed land use contract, including terms and rentals in light of the requirements.</p> <p>The field office having administrative jurisdiction retains the right to negotiate on behalf of the landowners in certain circumstances. For instance, if the land has been advertised for lease several times and there has been no apparent interest in the lease, the lessee may lease for less than fair annual rental if the lessee is the highest responsible bidder and the lease is in the best interest of the landowner.</p> <p>Negotiations are conducted with candidate(s) in order to construct use agreement requirements and acceptable terms. A tribe, the BIA Agency, or beneficiary may conduct negotiations in simultaneous, coordinated negotiations.</p>
1.3 Stops With	Final negotiated terms and conditions of Land Use Contract with selected operator/lessee.

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.



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Goal/Objective
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.

3. How should Beneficiaries be involved in this process?

Beneficiary Involvement
A beneficiary may be involved in land use contract negotiations or the Bureau may conduct negotiations on his/her/their behalf.

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		Conduct contract negotiations. Review as presented by the Tribe. Send IMDA agreements to BLM and MMS for review.
OST	Agency		May assist in facilitating lease negotiations on behalf of the beneficiary.
Tribe	Program Office		Negotiate land use contract with company(s) and present to BIA for approval. May ask the Secretary for advice, assistance and information in negotiating the agreement.
Consortium	Service Provider		Conduct negotiations.



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Organization	Office	Role	Contribution
BIA	Regional Office		Review land use contracts as presented by the Tribe. Send to BLM and MMS for review.
MMS	Regional Office		Review proposed IMDA agreement (30 days minimum timeframe) in order to ensure that MMS can collect and audit funds as appropriate. (Tripartite MOU)
BLM	State Office		Assist during negotiations if asked per MOU. Review proposed IMDA agreement (30 days minimum timeframe) in order to ensure that BLM maintains approval authority for operations and can inspect operations according to regulations, orders, etc.
BIA	Field Office		Review IMDA agreement terms.
OSM	Field Office		Assist during negotiations for coal if asked per MOU
Compacted or Contracted Tribe	Program 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
Company	Negotiate agreement with Tribe Negotiate land use contracts with the beneficiary Negotiate land use contracts with the BIA May prepare NEPA documents associated with IMDAs



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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
Decision to negotiate	The program officer may consider it to be in the best interests of the landowner to conduct negotiations with the selected operator/lessee	
Request for negotiation	The landowner or the selected operator may request to have negotiations conducted.	
Selection of bid	In the event bidding is conducted and a bid is selected it may be necessary to conduct negotiations on special conditions of the land use contracts such as plans of operations or conditional land improvements including when and how they need to be performed.	

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
Draft use agreement	Includes draft terms and conditions of use agreement
Tribal Preferences	Tribal priorities for negotiation strategies
Qualified Application Package	Includes all required documentation to support the transaction.
Management Unit Plan	Depicts the method of approach (i.e. negotiation) to finalize the use agreement.

6.2 Outputs

Output	Description
Final Draft Land Use Contract	Includes final negotiated terms and conditions of the use agreement ready for beneficiary/DOI approval and land use contract finalization.



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Output	Description
Selected Operator	Negotiations are successful with the selected qualified applicant and they have been determined as the selected operator

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
IAMs	Internal control	
Handbooks and Manuals	Internal control	
Ensure that application/proposal package is complete and inclusive of all necessary requirements site-specific clearances and disclosures are obtained prior to the negotiation period.	Internal control	

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
Realty System	System should allow for edits of terms and conditions to the electronic form of land use contract once negotiations have been completed and generate a final draft of the land use contract. System should allow for comments to be attached to the land use contract



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System Name	Support
	package. Such as special issues and concerns that may need to be incorporated into the terms and conditions of the final draft land use contract.

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.2.4	Conduct Bidding	Negotiations may need to occur to refine plan of operations or special requirements for fulfillment of the land use contract
UM.2.1	Solicit Land Use Contracts	Applications for consideration of land use contracts may be received by tribal enterprises.

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.2.6	Approve Land Use Contract	Delegated line official provides final approval of the tribal enterprise award of the land use contract
B.6.2.3	Beneficiary Involvement for Land and NR Use and Management	Will assist in the facilitation and coordination of negotiations with or on behalf of the beneficiary.

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
	None