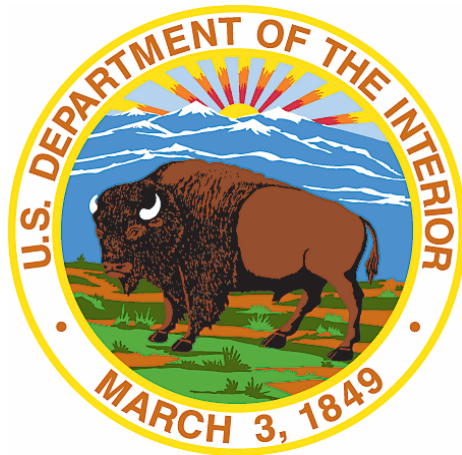

DOI Trust Reform

As-Is Trust Business Model Report



March 21, 2003





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Executive Summary to the As-Is Trust Business Model

Introduction

The As-Is Trust Business Model report is presented to the Office of the Special Trustee for American Indians (OST) of the Department of the Interior (DOI). The As-Is Model represents the first comprehensive documentation of the major processes supporting the Indian Trust, and their inter-relationships. Through development of the model, the Department has achieved the following benefits:

- a) Established a comprehensive understanding of current Trust business operations
- b) Documented variances among geographic regions, and their causes (e.g., due to federal, state or local laws, treaties, court rulings, local practices)
- c) Identified current issues and opportunities for improvement so as to provide a basis for a To-Be process reengineering of the Indian Trust

The As-Is Model effort commenced in late February of 2002 with development of a project plan and selection of tools to be used for collecting data. A week long workshop that included over 60 DOI and Tribal representatives was then held to develop a baseline of eight core Trust processes. An As-Is Business Model Team consisting of over 20 members was formed, made up of EDS consultants, DOI process sponsors and Tribal Task Force members. This team held a series of 10 multi-day work sessions at field locations with BIA regions, a session with the compact and contract Tribes, and a session with the OST/Office of Trust Funds Management (OTFM). Through these sessions, more than 1000 subject matter experts from LTROs, Tribes, BIA Agencies, BLM, MMS, OHA, and OST were consulted. For each of the eight core Trust processes examined, a baseline model documenting the standard manner in which each process is performed was developed. Regional variances to the standard baseline processes were also documented.

Indian Trust Context

The Department of the Interior has responsibility for what is perhaps the largest land trust in the world. The Indian Trust today encompasses some 56 million acres of land -- 11 million acres belonging to individual Indians and nearly 45 million acres owned by the Tribes. On these lands the Department manages over 100,000 leases for approximately 350,000 individual Indians owners and 315 Tribal owners. Leasing, use permits and sales revenues of \$300 million per year are collected and distributed to 236,000 Individual Indian Money (IIM) accounts, and about \$800 million per year is distributed to the 1,400 Tribal accounts. Added amounts are provided to individual and Tribal owners through direct payments from lessees. The Trust's holdings are not stagnant, with both divestitures (e.g. through inheritance) and purchases (e.g. by Tribes of adjacent parcels) occurring.

Over 450 treaties were signed between the federal government and American Indian Tribes since the settlement of the United States. In many cases, Indian Tribes ceded vast acreages of land in exchange for the protection of the United States government. Often the Treaties are referred to as "contracts among nations" and "the supreme law of the land." For the most part, these treaties represent negotiations and agreements between the United States and Indian Tribes on reserving land that could not be ceded. Hence,



these treaties became one of the instruments for establishing Indian reservations and they are equal in power to federal statute and capable of superseding state law.

Through the General Allotment Act, also called the Dawes Act, large portions of Indian Tribal lands were distributed, or allotted, to individual Indians who each received 40 to 160 acres of land. The premise behind the Dawes Act was to move away from Tribal land ownership to individual land ownership.

Since the Dawes Act of 1887, ownership of Trust lands has become increasingly complex and fractionated. Probate proceedings commonly dictate that land interests be divided equally among every eligible heir unless otherwise stated in a will. In addition, a “checkerboarding” pattern exists in several areas, with interspersed parcels of IIM, Tribal, and other (e.g. BLM, state governments, privately held) owners. This significantly complicates land use planning and leasing.

Some federally recognized Tribes undertake “compacts” and “contracts” with the federal government to self-manage portions of the Trust and other services provided to Indian Tribes by the Bureau of Indian Affairs. The Indian Self-Determination and Education Assistance Act of 1975 formalized the U.S. government’s policy to promote self-determination and self-governance of Indian Tribes.

Industry Standards and Performance Measures

As part of the As-Is Model development, comparisons were made between the Indian Trust and similar practices in commercial industry. The comparisons included commercial bank trust departments as well as other industries that perform similar functions, such as title recordation and probate. While in critical respects the Indian Trust faces unique challenges and constraints, in many other ways there are close parallels between commercial trusts and the Indian Trust. Industry standards have been used to highlight the differences in a standard commercial trust and the Indian Trust, which is governed by statute. Our findings and recommendations take into account that usual industry standards are modified by statute when applicable to the Indian Trust.

A general finding is that current Trust operations differ significantly from a commercial trust environment. Current Indian Trust processes tend to operate within silos, with steps cycling back from one area to another to obtain additional information or further action. There are many manual and dissimilar automated record keeping systems now used for the Trust, which increase the likelihood of error and prevent information sharing. In reviewing industry standards in the context of DOI and the Indian Trust, other key differences were noted:

- a) Commercial trusts center their services, organization, processes, and supporting systems around their customers
- b) Commercial trusts rely on integrated trust systems
- c) Document imaging, use of a common data base for key information, and other information sharing methods are important tools being used within commercial trusts
- d) Performance management systems, results tracking, and accounts receivable systems are used in land management industries to monitor service and operational performance, as well as the timely receipt of income from land interests



- e) Commercial trusts generally use third parties to perform many functions now conducted by the Indian Trust, such as title recordation services

As part of this comparison, the EDS team conducted interviews with executive and senior level DOI representatives to understand the leadership perspective on Indian Trust performance measurement and industry standards. Overall, leaders recommended developing comprehensive, integrated Trust management reports made available widely to all levels of management. They acknowledged the need to move away from solely transaction-based data collection, towards more meaningful measures describing quality and efficiency. Several commercial practices and measures were recommended by DOI management, such as establishing Trust Officers, using OCC-like rating scales, creating a national customer call center capability, and better tracking of asset value and performance (such as return on assets). They also recognized workforce planning and training as critical to Trust Reform.

As-Is Trust Business Model

Chapter 4 of the report provides descriptions and detailed work process model baselines for each of the eight core Trust business processes that comprise the As-Is Trust Business Model. It also provides variances to the baseline approach, as identified in work sessions conducted across BIA Regions. The large number of variances identified point to the diversity of conditions, treaties and other requirements that apply to specific areas and Tribes, as well as to the decentralized history of Trust operations. In addition to the information contained in Chapter 4, the As-Is model and templates contain further detail that was collected during the workshop sessions. This information should be taken into account during the To-be transformation process.

Findings and Recommendations

Chapter 5 provides findings and recommendations for reengineering the Indian Trust processes, and for implementing improvements in related areas. These are intended to be starting points for the Department's reengineering efforts. The criteria used for developing the findings and recommendations were those established by the Department in its statements of Trust Mission, Trust Principles, Strategic Goals and Objectives, and the final draft of the *Comprehensive Trust Management Plan*. In addition, relevant aspects of OMB Circular A-130, and the industry standards and performance measures were considered.

In the *Trust Reform Final Report and Roadmap* published by EDS in January 2002, a number of findings and recommendations were made in the areas of strategic planning, organizational change, human resource development and other areas. As was noted, a combination of factors had limited DOI's ability to effectively plan and execute coordinated efforts to improve services. These include the lack of an overall strategy, organizational overlaps, a decentralized operating approach, workloads which exceed current operational capacity, and a series of demands on senior Indian Trust leaders related to litigation and data system security problems. These included the absence of a single executive sponsor or overall "owner" who is accountable for the Trust, conflict among bureaus and units within DOI, and at times, overlapping and inconsistent responsibilities. These issues again surfaced during the As-Is team's work sessions.



Further, prior to development of the As-Is Model, Trust work flows and processes had not been comprehensively charted, nor their associated organizational roles documented.

The Department is taking steps to address several of the deficiencies noted in the January 2002 report. Early in 2002, the DOI announced an organizational realignment for Trust responsibilities that was aimed at addressing several of these problems. Subsequently, a series of joint DOI-Tribal Task Force meetings were held to discuss organizational options and Tribal concerns. Mutual agreement on a new structure was not reached, but common ground was found on a number of issues. In early December 2002, the Department announced a revised organizational approach. Among the changes were steps intended to:

- a) Establish clear accountability for Trust fiduciary responsibilities
- b) Clarify and streamline individual organizational roles and duties, phasing out some units and combining others
- c) Provide beneficiaries with improved service through a variety of means, including creation of a dedicated beneficiary service staff
- d) Strengthen project management and integration

During 2002, the DOI began the development of an Indian Trust business plan, now known as the *Comprehensive Trust Management Plan* that will provide specific goals and objectives in six key areas when completed. A Data Quality and Integrity project is underway which is aimed at comprehensively correcting IIM data errors and addressing the causes of them. Also, the As-Is Model effort embodied in this report was conducted, which is critical to future business process improvement.

The As-Is Model findings and recommendations focus heavily on needs for improvement. However it is important to note that the As-Is Model team found DOI staff to be hard working and typically performing as well as they could within the limitations of the current environment. The team was able to find several instances where, either at the Agency, Regional or Tribal level, very effective practices had been put in place. These are at times pointed out as examples that could be followed in other locations.

Major Findings

The highlights of the key findings of the As-Is team include the following:

There is a major need for redesigning and streamlining current work processes to result in faster, more accurate beneficiary services. Specific findings associated with this observation are:

- a) Current work processes are overly complex, time consuming and error prone. Neither the core processes nor many of their subcomponents have been developed to smoothly fit into related steps in the Trust services sequences. Similarly, those delivering services often do not have a solid understanding of the overall Trust workflow and processes, and how their services fit into the overall Trust business model.
- b) There is little presence of workflow and case management technology tools typically used by commercial trusts and other high volume transaction processing



entities to assure proper transaction sequencing and permit parallel activities to be performed.

Supporting data systems are fragmented, preventing the sharing of information among DOI units, and requiring redundant data capture and entry:

- a) Indian Trust systems often contain duplicate, inconsistent and conflicting beneficiary, realty and payment data. The sharing of information among the widely differing systems in use is frequently impossible, requiring re-entry of information and resulting in separate, redundant changes and updates.
- b) The many divergent systems and approaches require separate system maintenance capabilities, need specialized user training efforts, result in higher equipment and software purchase expenses, and cause other, higher cost and lower quality results.

Inadequate processes and execution of existing guidelines result in several important fiduciary responsibilities not being fulfilled:

- a) The Trust has not been focused on the full and consistent identification, tracking and management of its assets. The Trust does not have a current, accurate method of tracking the land in the Trust, the associated owners, and its use.
- b) Land management and planning is frequently reactive rather than proactive. Approval processes for proposed changes in land use are slow and can discourage outside parties from presenting proposals for Trust land use.
- c) Procedures for funds collection and the preparation of distribution advice vary widely, and are time consuming and error prone.
- d) The monitoring of direct payments from lessees to beneficiaries has raised significant concerns.
- e) There is no comprehensive approach to monitoring and reporting land condition and usage. Enforcing compliance on land use contracts is often inconsistent and inadequate.
- f) There are few performance measures associated with the execution of core Trust tasks and accomplishments. As a result, certain management responsibilities, such as land use oversight and planning, are significantly hindered.
- g) There is insufficient clarity regarding what level of oversight local DOI bureaus should exercise regarding the execution of Trust activities undertaken by the Tribes.

Recommendations

The recommendations of the As-Is project team include a series of short-term improvements that the Department can launch that will make a significant positive impact on operations and service. Moving to quickly implement short term improvements will provide some rapid, visible benefits to both beneficiaries and service providers, and build momentum for more sustained improvements that will result from the To-Be. Among those recommended are:



Quick Hits Recommendations

1. Improve beneficiary service by providing a single, high quality beneficiary inquiry tracking system, available to all offices.
2. Eliminate duplicative title maintenance activities associated with leases. This will enable shifting of significant numbers of personnel to higher value efforts.
3. Reduce probate backlogs and administrative expense by amending current probate regulations to be consistent with state probate codes that permit summary distribution of land and monies for small estates.
4. Reduce appraisal backlogs by establishing better criteria for when appraisals need to be conducted.
5. Utilize the opportunities available in the Data Quality and Integrity initiative to test technologies that can improve data accuracy, speed data cleansing and serve as a pilot for longer term improvements to field office operations.
6. Reduce payment errors and personnel time consumed with calculations and reconciliations by devising and disseminating a common set of standards and calculations for beneficiary payments.
7. Reduce staff time and improve service to beneficiaries by developing consistent processes and tools for obtaining consent from fractionated interests in allotted lands.
8. Simplify and clarify beneficiary account statements.
9. Make approved manuals and commonly used forms available electronically.

Longer Term Recommendations

The report contains a large number of longer-term recommendations. Several of these require additional analysis to evaluate alternative implementation approaches that could be developed. There is also the need to consider how they can best fit with other related activities, given the interconnected nature of Trust processes.

In summary, a major transformation of the Indian Trust is recommended, to include coordinated, large scale changes to work processes, supporting information technology, human resource allocation on training, organizational roles and other associated elements. The adoption of commercial trust operating models should be made in a number of aspects, allowing for the unique nature of the Indian Trust.

Streamline and integrate core processes:

- a) As part of its To-Be design, the Department should redefine its core set of processes consistent with the Service Delivery Model that has been developed. This would likely reconfigure the eight processes used in the As-Is Model effort into fewer, more process oriented elements.
- b) Using advanced process modeling tools, successively detailed levels of reengineered To-Be processes should be designed, simulated and piloted. These should demonstrate clearly how business will be conducted, and link data systems, human resources and organizational entities.



- c) To reduce errors and improve information access and beneficiary service, introduce major technology improvements such as digital imaging (with associated information sharing capabilities to field units) and work flow technology that is tailored to new, restructured processes.
- d) Assure that key stakeholder involvement—external and internal—takes place in the above steps.

Achieve improved, integrated data systems and standards:

- a) Due to the critical nature of the decisions required, DOI should complete the business and technical architecture.
- b) Build a common data store (storage facility), which will allow DOI wide access to beneficiary information to respond to beneficiary inquiries or for reporting, research or operational processing purposes.
- c) Introduce Customer Relationship Management (CRM) technologies, which focus on understanding the beneficiaries' needs and will allow the DOI to be more proactive in addressing them.
- d) Migrate to one title system and only utilize one version of the system. This will result in a consistent approach of identifying and maintaining beneficiary title records.
- e) Enhance the DOI-wide network infrastructure.
- f) Develop a set of requirements for a realty system. Implement a leasing system that will support billing, accounts receivable, collection and pre-lease receipts.
- g) Institute data management standards for the entry of title and realty information across regions and across systems.

Address problems associated with DOI's key fiduciary responsibilities:

- a) Create and maintain comprehensive land ownership, location and use inventories.
- b) Establish a land tracking capability and provide BIA and Tribal leadership a summary of what land is being effectively managed and operated, and where problems or exceptions require greater attention.
- c) Develop and implement a land use compliance and enforcement strategy, which concentrates on important and repeat-problem areas.
- d) Take a more active DOI leadership role in comprehensive land use planning, working with the Tribes and beneficiaries to establish effective plans in line with their interests.
- e) If direct payments from lessees to beneficiaries are continued, make provision in leases that the lessees provide proof to the DOI that payments were made to the beneficiary. Additionally, develop procedures that support tracking of these payments and produce an historical accounting.
- f) Launch a program of education and communication for DOI Trust service delivery personnel, as well as for the beneficiaries.
- g) Clearly define the role DOI expects its staff to play in the oversight of Compacted and Contracted Tribe activities.



Provide the foundation for the To-Be improvements. The Department should take several steps including:

- a) Provide a strong charter to a project management office to oversee, direct and coordinate the many interrelated activities and organizational elements that will need to be involved in the change. This office should receive on-going input from Tribes and other stakeholders.
- b) Develop and implement a communication plan that provides two-way linkage to stakeholders for the plans and activities of the To-Be.
- c) Create a performance monitoring capability and associated metrics, which can demonstrate progress on both the To-Be improvements as well as provide the status of critical performance areas of on-going operations.

In each of the eight process areas, specific findings and recommendations are also made in Chapter 5 of the report.

Trust Business Way Forward

In Chapter 6 of the report, the “Way Forward” is developed with the key focus being the To-Be Model. The To-Be should provide a new model for Trust management within the Department—a major undertaking, which will require sustained, high level DOI leadership involvement as well as considerable funding. The model should not only encompass reengineered and new processes, but also include coordinated improvements in supporting systems, organizations, training, and personnel requirements of the new environment, combined with an internal and external communication plan. The To-Be effort should be a DOI-wide transformation that encompasses much more than changes to individual processes. Attaining the real change needed for the To-Be will not happen quickly and will require participation and buy-in from many stakeholders.

Many process reengineering and technology implementation projects do not achieve their stated goals due to a failure to address the human aspect of organizational change. Top performing organizations recognize that change must be comprehensive and integrated, and must focus on the ‘soft’, people-related issues of managing the change program, mobilizing leadership, and creating the case for change.

Creating effective change in the people, organizations, and culture at DOI will be some of the toughest hurdles in implementing Trust Reform. The challenge of getting people to reach a higher level of performance will require a planned change approach for breaking down resistance and barriers to change.

Development of the To-Be will be an exciting, yet very complex undertaking. It will require significant coordination, collaboration, and communication among many participants; Tribal representatives, process area participants, subject matter experts, leaders, and sponsors. It will require multiple efforts and phases, spanning across many DOI organizational entities and as noted above, should be managed through a Project Management Office with oversight provided by senior DOI management and Tribal leadership.

Through the development and implementation of a To-Be Model, trust employees who work with beneficiaries on a day-to-day basis should experience a real improvement in how they provide services to the beneficiaries. Moreover, beneficiaries should experience



an improved and a more responsive level of service, with improved Trust asset financial and land use results.

As these benefits are realized, all parties involved in the Trust should be moving along a path which migrates to service levels that are visibly improved and felt, with forward looking sets of improvements steadily being designed and launched. If this condition is established, the Department should be well on its way toward achieving its Trust mission, and achieving a turning point in the Trust's history.



1 Introduction

This "As-Is" Trust Business Model (As-Is Model) deliverable is presented to the Office of the Special Trustee for American Indians (OST) of the Department of the Interior (DOI). The As-Is Model is the compilation and analysis of 10 work sessions with the 12 BIA Regions, a session with the compact and contract Tribes, a session with the OST/Office of Trust Funds Management (OTFM) and a session with Minerals Management Services in Denver, Colorado. Through these sessions, more than 1000 subject matter experts from Tribes, BIA, BLM, MMS, OHA, and OST were consulted.¹ The purpose of the As-Is Model is to describe how certain Trust functions are delivered within the current DOI environment and to serve as a basis from which future reform efforts can be developed and implemented. The As-Is Model encompasses fiduciary Indian Trust functions, and is organized by eight major business process areas: Probate, Title, Beneficiary Services, Appraisal, Surface Asset Management, Subsurface Asset Management, Accounting Management, and Cadastral Survey Services. Universal support functions (e.g., training, workforce planning) are not directly addressed in this effort, as they were included in a previous EDS report, "Trust Reform Observations, Recommendations and Roadmap." However, universal support functions are critical to the development of the Trust To-Be Model and will be addressed in the next phase of the Department's Trust Reform efforts.

The As-Is Model documents, in detail, the standard and non-standard Trust processes. The term "standard" refers to common practice in the field, i.e., how a process operates most of the time is not necessarily how it is supposed to operate. For each of the eight core Trust processes, a baseline model defining the standard process is presented. Regional variations to the standard processes are presented in variance (non-standard) tables. The variance tables, located in Chapter 4, explain why process variations exist, i.e., whether they are due to federal, state or local laws, treaties, court rulings, local practices, or other reasons.

As a comparison to DOI Trust processes, EDS conducted a review of similar industry processes to understand how processes are performed, managed and measured. From this understanding of current DOI processes and industry standards, EDS, working with DOI and the Tribal Task Force representatives, has developed recommendations for each of the process areas as well as for enterprise-wide and cross-process improvement areas.

This report consists of six chapters and twelve appendices:

- a) **Chapter 1, *Introduction***, introduces the As-Is Model, describes the approach taken to develop the model, and explains the layout of the document.
- b) **Chapter 2, *Context and Complexity of the Indian Trust***, discusses the various laws, treaties, practices and Indian culture contributing to the unique and complex environment of the Indian Trust. It also demonstrates the complex interaction among the processes.
- c) **Chapter 3, *Industry Standards and Performance Measures***, describes standards, practices, and measures from the commercial trust environment and other trust related industries. Also identifies current performance measures and metrics used by DOI to measure Trust processes.

¹ BIA is the Bureau of Indian Affairs, BLM is the Bureau of Land Management, MMS is the Minerals Management Service, OHA is the Office of Hearings and Appeals, and OST is the Office of the Special Trustee.



- d) **Chapter 4, *As-Is Trust Business Model***, presents an overview of the As-Is Trust Model as well as details on each of the core Trust process areas. Details for each process include the As-Is baseline description, process flowcharts, variance tables, organizations, roles and responsibilities, process locations, inputs and outputs, events, fiduciary and legal obligations and controls, and systems used to support the business processes.
- e) **Chapter 5, *Findings and Recommendations***, presents high level and cross process, as well as specific process-related findings and recommendations for re-engineering Trust processes as well as associated improvements.
- f) **Chapter 6, *Trust Business Way Forward***, presents a high-level plan for the next phase of Trust Reform. It includes how to get started, assumptions, special needs, implementation plan, and expected benefits.
- g) **Appendix A, *Glossary***
- h) **Appendix B, *Work Session Participants***
- i) **Appendix C, *Workshop and Tribal Task Force Participants***
- j) **Appendix D, *Office of Management and Budget Circular No. A-130***
- k) **Appendix E, *Business Modeling Tools***
- l) **Appendix F, *List of Obligations***
- m) **Appendix G, *Industry Resources***
- n) **Appendix H, *Highlights from OCC Comptrollers Handbook for Fiduciary Activities***
- o) **Appendix I, *Commercial Trust Service Standards***
- p) **Appendix J, *Public Sector Leaders***
- q) **Appendix K, *Forestry Measures Collected***
- r) **Appendix L, *Cadastral Survey Measures Collected***
- s) **Appendix M, *Long Range Leasing Measures Collected***

The remainder of Chapter 1 describes the As-Is Model study and report: why the project was conducted, the approach used, what was included in the study, who was involved, the analysis criteria applied, and importantly, suggested reading tips for navigating through the report.

1.1 The Need for the As-Is

After reviewing the High Level Implementation Plan for Trust Reform, one of the key recommendations included in EDS' January 2002 *Trust Reform Final Report and Roadmap* was to develop a business model for Trust operations. In this recommendation, EDS suggested that DOI develop an accurate, current state model to include business processes, internal controls, and associated information technology. The As-Is Model addresses the business process dimension of that recommendation.

Through the development of the As-Is Model, the Department achieved the following benefits:

- a) Established a broad understanding of current Trust business operations within DOI and some of the Compacted/Contracted Tribes
- b) Identified needs and opportunities for improvement



c) Identified variances among regions, and their causes

Prior to the As-Is Model project, various efforts within the Department were either underway or had taken place to document segments of the Trust business processes. However, this is the first comprehensive, cross business process approach to documenting key processes supporting the Indian Trust, and their inter-relationships. Also, for the first time a location-by-location documentation of standard practices and variances from standard practices has been developed. This allows an understanding of the extent and causes of varying practices, and establish whether there is a specific requirement for each, or if it has evolved over time or at local discretion. Further, through the As-Is Model, the Department has identified current issues and opportunities for change that provide a launching pad for reform. It is for this reason that the process modeling is so detailed and involved such a wide spectrum of participants.

1.2 Overall Project Approach

The As-Is Business Modeling Team, composed of EDS consultants and DOI staff, and assisted by Tribal Task Force representatives, used their consulting experience and knowledge of the DOI organization to develop an objective and pragmatic approach to the As-Is Model, truly maximizing the skills and subject-matter-expertise of project participants. The consultants customized EDS process analysis and process modeling methodologies for DOI and the unique environment within the Indian Trust. The approach utilized workshop sessions at field site locations and emphasized participation from a wide audience of stakeholders across Indian Country – from senior executive leaders to the critical front-line workers (DOI and Tribal) interfacing daily with beneficiaries. In addition, Tribal Task Force representatives participated in the project, including visits with the BIA Regions. Critical to the success of the project was the ability to reach out to the people responsible for carrying out the eight core Trust *business* processes. This helped to ensure that the information gathered was accurate and representative of the broad constituent base for which Trust operations are conducted. It provides a solid foundation for the Department to move forward with the To-Be phase, which is planned to start shortly following the completion of the As-Is.

The As-Is Model is the result of several streams of work commencing in late February of 2002. The diagram below depicts the overall project approach. Each step outlined in the diagram is summarized in the pages that follow. It is important to understand the efforts that went into the project to truly recognize the significance of the detailed information and findings presented in later chapters.

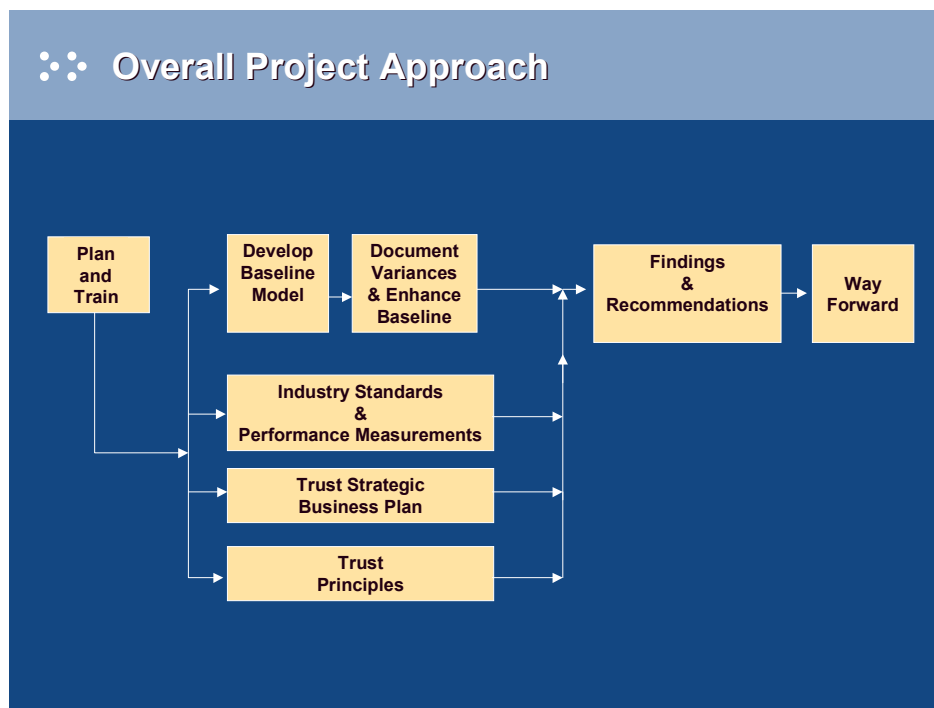


Figure 1.2- 1 Overall Project Approach

1.2.1 Plan and Train

The first phase of As-Is modeling was a joint effort by EDS and DOI to plan the project and build and train the team. Following contract signing, EDS and DOI worked together to confirm the scope of the project, draft the project plan and schedule, build the modeling team, and train the team on the approach and methodology to be followed.

Building the As-Is Model Team. In this critical first step, EDS and DOI recognized the need for a team made up of subject matter experts reaching across DOI and Indian Country geographically as well as organizationally. To meet this need, the DOI Deputy Secretary requested that each BIA Regional Director and heads of the DOI Bureaus (BIA, MMS, OHA, OST and BLM) nominate individuals for participation in the project. In addition, the Tribal Task Force was asked to nominate eight representatives to participate on the As-Is Team. Through these efforts, the following roles and responsibilities were established:



Table 1.2- 1 Key Participants in the Development of the As-Is Trust Model

Role name	Role description
DOI Executive Sponsor(s)	Provided executive direction and feedback on project activities. Executive sponsors were interviewed and consulted throughout the project by the EDS team leadership.
Steering Committee	Chaired by the Deputy Secretary. Composed of eight DOI managers, eight Tribal Leaders, and two EDS executives. Selected DOI team participants, confirmed high-level process descriptions, reviewed deliverables, facilitated internal DOI communications, provided third-level issue resolution.
Oversight Committee	Chaired by Deputy Special Trustee for Trust Systems and Projects. Composed of the DOI Contracting Officer Technical Representative, six Tribal Leaders, and the EDS Program Manager. Provided tactical guidance and direction. Served as project champion, responsible for coordination of DOI resources and activities, provided second-level issue resolution.
DOI COTR (Contracting Officer Technical Representative)	Provided day-to-day project oversight and management of team activities. The official interface between DOI and the EDS Team. All EDS status reports, contract change requests, requests for DOI actions and support, interview records and comments, deliverables, and project scope changes were coordinated between the COTR and the EDS Program and Project Manager.
EDS Program & Project Manager	Provided executive direction and day-to-day project oversight of EDS team activities.
DOI Process Sponsors	Paired with an EDS process facilitator (below) to gather information, review and document the eight core Trust business processes. Formed part of the As-Is Team that conducted the regional work sessions.
EDS Process Facilitators	Paired with a DOI process sponsor (above) to gather information, review and document the eight core Trust processes. Formed part of the As-Is Team that conducted the regional work sessions.
Tribal Task Force Representatives	Provided expertise and Tribal perspectives on Trust processes. Participated in conducting the regional work sessions.



Role name	Role description
Regional Subject Matter Experts	Regional experts on specific processes. Actively participated in the regional work sessions by providing information as to how the Trust processes were conducted in their respective regions.

Once the core Trust business processes were identified as detailed below, an EDS Process Facilitator and a DOI Process Sponsor were assigned to each of the eight Trust business processes to form process specific teams. While all of the members in the above table participated in the development of the As-Is Model, the “As-Is Team” refers to the EDS consultants and the DOI process sponsors only.

Training the As-Is Model Team. In April 2002, EDS worked with DOI to plan, facilitate, and document a one-week workshop. The purpose of the workshop was two-fold: to train the As-Is Team for the project, and to begin development of the baseline model. (The workshop is described in more detail below.) Team training accomplishments of the workshop included:

- Discussing fundamental concepts of cross-functional process management and process modeling
- Building awareness of process management as it is being implemented within DOI for Trust processes
- Confirming with participants the on-going expectations of their roles and responsibilities as Process Sponsors and Process Experts

1.2.2 Develop Baseline Model

Developing the baseline model involved three major steps: determining core Trust processes, conducting the baseline model workshop, and refining the baseline model.

Determining core Trust processes. The EDS team drafted an initial list of the core Trust processes. This list was reviewed and revised by the DOI senior leaders, resulting in the eight core Trust processes, listed below:

Table 1.2- 2 Core Trust Processes

Trust Process Area	Trust Process Description
Probate	The process by which Trust assets are divided among a beneficiary’s heirs, devisees and claimants.
Title	All processes supporting the acquisition, conveyance and disposal of Trust lands; Rights-of-Way crossing Trust lands, Mortgages and Assignments, and the recordation and reporting of beneficiary interest in those lands.
Beneficiary Services	All processes that interface with the beneficiary and provide responses to requests for information regarding Trust assets and services. It should be recognized that Beneficiary Services is an integral part of the other seven Trust business processes.
Appraisal	The process by which surface and subsurface asset values are obtained.



Trust Process Area	Trust Process Description
Surface Asset Management	The land planning, leasing, permitting and administrative activities that support the utilization of surface acreage.
Subsurface Asset Management	The leasing, administration and reclamation activities surrounding the recovery of solid and liquid mineral assets.
Accounting Management	Financial account management and the activities associated with maintaining, collecting, investing, distributing, disbursing, reporting, and auditing of Trust-related monies.
Cadastral Survey Services	The process that creates and defines tracts and boundaries of Trust real properties and related consultation services and products.

These eight Trust business processes serve as the focus of the As-Is Model. As stated above, the As-Is Model work teams were organized around the eight processes. In addition, this report itself is organized around the eight processes that are referred to frequently in the pages that follow.

Conducting the Baseline Model Workshop. The workshop held in April 2002 (referenced in section 1.2.1) resulted in a draft baseline straw model for each of eight core business processes. (Reference Appendix C for a listing of participants.) In documenting the baseline models, the As-Is Team used the Integrated Definition for Function Modeling (IDEF) models and written descriptions of each of the eight business processes. The IDEF methodology is a set of graphical modeling tools used in business process reengineering efforts around the world. IDEF has been the U.S. government standard since 1993 for systems documentation and requirements specifications, and is the basis for many business modeling and simulation software applications.² IDEF 0 models depict system or organizational functions, functional relationships, and data³. Activities are described graphically by their inputs, outputs, controls, and mechanisms. IDEF 3 is used to capture precedence and causality relationships among processes.⁴ IDEF modeling is explained in more in Appendix E, *Business Modeling Tools*.

Refining the Baseline Model. Following the baseline workshop, the As-Is Team visited two sites; one in Aberdeen, SD and the other in Billings, MT to refine the baseline straw model. The As-Is Team developed a refined baseline model as a result of these work sessions, which was distributed throughout DOI and Indian Country. The purpose of the baseline model is to identify how each of the eight business processes is carried out most of the time.

1.2.3 Document Variances and Enhance Baseline

Revisions to the baseline model continued through November 2002, as the As-Is Team and Tribal Task Force representatives conducted work sessions with subject matter experts from each of the BIA Regions and specific compacted and contracted Tribes. The purpose of the work sessions was to document variations to the process baseline models and to enhance the baseline model.

Work sessions were held with representatives of each region for each Trust process, with participants from Tribes, BIA, BLM, MMS, OHA, and OST.⁵ On average, the sessions were one-

² Corbin, Lisa, "Tools of the Trade," *GovExec.com*, August 30, 1999.

³ See <http://www.idef.com/idef0.html> for an overview of IDEF0.

⁴ See www.idef.com/idef3.html for an overview of IDEF3.

⁵ BIA is the Bureau of Indian Affairs, BLM is the Bureau of Land Management, MMS is the Minerals Management Service, OHA is the Office of Hearings and Appeals, and OST is the Office of the Special Trustee.



week long. As a result of these work sessions, the As-Is Team, identified the genesis of the variances, clarified sub processes, and documented additional details for the baseline model. Additional information obtained during interviews and work sessions included:

- a) Fiduciary and legal obligations and controls specific to the location
- b) Systems used to support the business processes
- c) Performance measures and metrics
- d) Opportunities for improvement
- e) Issues, comments, and recommendations related to each of the processes
- f) Individual and organizational roles and responsibilities

During this phase of the project, the As-Is Team documented and created six versions of the As-Is baseline model, with each building upon the previous version. In addition, the baseline enhancements and process variances gathered during the Regional work sessions were delivered to the respective BIA Regional Directors, and work session participants for review and comment.

The As-Is baseline model and regional variances were documented based on the information provided by the participants who attended the work sessions.

1.2.4 Applicable Industry Standards

A parallel effort to the development of the baseline model was the research and documentation of standards, practices, and performance measures used by commercial trust and non-trust industries for managing similar processes. The EDS project team members obtained these industry standards through interviews with industry experts and research of relevant documentation. Also as part of this effort, the EDS team interviewed DOI executives and senior management to understand operational performance management needs, existing measurement and reporting, critical success factors, and measurement issues.

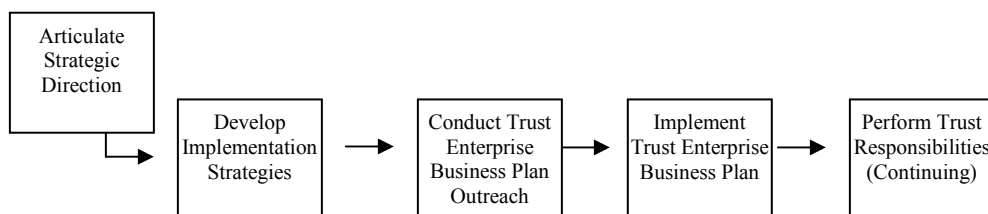
The findings and standards resulting from this activity were used to assist the EDS As-Is team in developing recommendations for improving current Trust processes and overall Trust Reform efforts.

1.2.5 Draft *Comprehensive Trust Management Plan*⁶

The EDS team reviewed draft versions of the *Comprehensive Trust Management Plan* and included it as analysis criteria for the As-Is Trust processes. Details on the analysis criteria can be found in section 1.2.7.

The DOI Office of Indian Trust Transition (OITT) distributed a draft of the *Comprehensive Trust Management Plan* in June 2002. This document outlines the process DOI intends to use to reform and manage the Department's Trust responsibilities. There are five specific steps in this process as depicted in the following diagram.

⁶ This section makes reference to draft versions of the document previously titled the *Indian Trust Business Plan* and currently titled the *Comprehensive Trust Management Plan*. Revisions to the document were made throughout 2002 and a final draft of the report was issued February 20, 2003.



OITT states that the Plan will be a living and useful document, and will be used to develop a common understanding among employees responsible for Trust-related activities throughout the Department. OITT also emphasizes the importance of monitoring performance and consulting with beneficiaries to refine the business as appropriate.

In addition to detailing the steps of implementing the Plan, OITT has presented a set of strategic goals and objectives in draft format. The following matrix illustrates to which of the eight processes the strategic goals and objectives are related. In analyzing each of the process areas, the strategic goals and objectives related to that process were used as a way to focus the analysis and the development of recommendations.

Table 1.2- 3 Trust Strategic Goals and Objectives⁷

Trust Strategic Goals and Objectives	Related Trust Process(es)
Strategic Goal 1: Beneficiary Services Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.	All eight core Trust processes
Objective 1.1: Beneficiary statements Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.	Accounting Beneficiary Services Probate Subsurface Surface
Objective 1.2: Beneficiary services Provide beneficiaries with easy access to trust account services and information.	Beneficiary Services
Objective 1.3: Beneficiary communications Develop and maintain effective communications with beneficiaries to facilitate beneficiary involvement in improving trust management, acquisition / disposal, and conveyances of trust assets, consistent with DOI's fiduciary duties.	Beneficiary Services
Strategic Goal 2: Ownership Information Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.	Beneficiary Services Cadastral Survey Probate Subsurface Surface Title
Objective 2.1: Probate and estate administration Consistently prioritize and resolve probate and estate administration cases on a timely basis to meet effectively asset management and beneficiary service requirements.	Probate

⁷ Taken from a draft of the *Comprehensive Trust Management Plan*, dated September 16, 2002.



Trust Strategic Goals and Objectives	Related Trust Process(es)
Objective 2.2: Surveys Establish accurate and up-to-date surveys to ensure correct boundaries for trust individual and tribal lands and any resulting revenue distribution.	Cadastral Survey
Objective 2.3: 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.	Beneficiary Services Cadastral Survey Subsurface Surface Title
Strategic Goal 3: Land and Natural Resource Assets Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.	Appraisal Cadastral Survey Subsurface Surface
Objective 3.1: Land and natural resource asset plans and stewardship strategies Develop land and natural resource asset plans and stewardship strategies.	Cadastral Survey Subsurface Surface
Objective 3.2: 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 beneficiary's intended use of the assets.	Cadastral Survey Subsurface Surface
Objective 3.3: Land and natural resource asset business management Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries, as required, and to incorporate beneficiary requirements.	Cadastral Survey Subsurface Surface
Objective 3.4: Appraisals Obtain appraisal information, as necessary, on trust and restricted lands for tribal and individual Indian owners, using methods and techniques that meet professional standards.	Appraisal Cadastral Survey Subsurface
Strategic Goal 4: Trust Fund Assets Manage trust fund assets consistently with legal and fiduciary responsibilities ensuring timely and productive use of the assets.	Accounting Subsurface Surface Title
Objective 4.1: Fund assets management Manage and invest fund assets to provide prudent rates of return, while considering the best interests of individual beneficiaries and tribes.	Accounting
Objective 4.2: Collection, disbursement, and accounting of funds Collect, disburse, and account for funds associated with trust assets accurately and on a timely basis.	Accounting Subsurface Surface Title
Strategic Goal 5: Indian Self-Governance and Self-Determination Encourage and support compact and contract opportunities associated with trust management to promote Indian self-governance and self-determination.	Accounting Subsurface
Objective 5.1: Expand self-governance compacts and self-determination contracts Foster expansion of self-governance compacts and self-determination contracts.	N/A
Objective 5.2: Technical assistance Provide Indian tribes with technical assistance to develop, implement, and manage Indian trust fund investment plans, in accordance with the American Indian Trust Fund Management Reform Act of 1994.	Accounting
Objective 5.3: Cooperative audit agreements	Subsurface



Trust Strategic Goals and Objectives	Related Trust Process(es)
Increase the number of tribes that participate in cooperative audit programs for oil and gas leases.	
Strategic Goal 6: Administrative Services Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.	All eight core Trust processes, where applicable
Objective 6.1: DOI trust organization Create a DOI trust organization with the structure, policies, and processes that will facilitate fulfillment of fiduciary and legal requirements with a beneficiary focus.	N/A
Objective 6.1.1: Fiduciary duty focus and strategy Develop a fiduciary duty focus and strategy to trust management.	N/A
Objective 6.1.2: Consolidation and accountability Consolidate DOI Indian trust responsibilities into a single organization accountable for executing, maintaining, and managing trust fiduciary activities.	N/A
Objective 6.1.3: Policies and procedures Coordinate policy and procedure development and management relating to all Indian trust reform and management activities to ensure that fiduciary and legal requirements are achieved.	N/A
Objective 6.1.4: Trust processes Benchmark and improve DOI trust processes and apply appropriate standards.	N/A
Objective 6.1.5: Activity-based costing Develop an activity-based costing model for implementation of Trust business plan objectives.	N/A
Objective 6.2: Accounting Develop and maintain accounting activities that are user friendly, integrated, provide necessary functionality, and contain appropriate interfaces to support effective and efficient trust management.	Accounting Subsurface Surface Title
Objective 6.3: Historical accounting Complete a historical accounting that meets DOI's legal and fiduciary obligations to individual Indian money beneficiaries to ensure that appropriate and authorized distributions to beneficiaries are made.	N/A
Objective 6.4: Human Resources Conduct workforce planning to manage the DOI trust workforce so positions are filled on a timely basis with well-trained employees who are accountable for effective performance.	Analysis & Recommendations provided in EDS Trust Reform and Roadmap published in January, 2002
Objective 6.4.1: Workforce planning Develop organizational work plans focused on workforce planning, staffing, recruiting, retention, and retirement forecasting, and develop associated infrastructure.	Analysis & Recommendations provided in Trust Reform and Roadmap published in January, 2002
Objective 6.4.2: Workforce training Develop a comprehensive and coordinated DOI trust management training program.	Analysis & Recommendations provided in EDS Trust Reform and Roadmap published in January, 2002



Trust Strategic Goals and Objectives	Related Trust Process(es)
Objective 6.5: Information Technology Develop, operate, and maintain a trust enterprise architecture with the appropriate computer systems to facilitate successful trust operations.	Analysis & Recommendations provided in EDS Trust Reform and Roadmap published in January, 2002
Objective 6.5.1: Trust enterprise architecture Develop a comprehensive trust enterprise architecture.	Analysis & Recommendations provided in EDS Trust Reform and Roadmap published in January, 2002
Objective 6.5.2: A-130 compliance Fully comply with applicable requirements outlined in OMB Circular No. A-130.	See Section 1.2.7 and Appendix D
Objective 6.5.3: Data and systems security Develop and implement data and systems security procedures.	Analysis & Recommendations provided in EDS Information Assurance Report and Roadmap published in January, 2002
Objective 6.6: Business practices Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.	All eight core Trust processes
Objective 6.7: Performance measures Develop, maintain, and use clear performance measures to manage trust operations and to assess performance.	All eight core Trust processes
Objective 6.8: Risk management Develop, implement, and maintain a comprehensive risk management program, including extensive internal and management controls, to monitor and evaluate the effectiveness of DOI's trust operations.	N/A
Objective 6.9: Records management Create, manage and preserve trust records with adequate and proper documentation so that the information necessary to fulfil DOI's fiduciary responsibilities is protected, available, and accessible to beneficiaries.	N/A

1.2.6 Trust Principles

The Department's Trust Principles initially developed in 2000 were reviewed by the As-Is Team and used to develop analysis criteria for evaluating the As-Is Trust processes.

DOI has spent substantial time and effort developing a set of Trust Principles by which all Trust processes and activities are governed. These Trust Principles were first introduced in 2000 and were subsequently vetted by DOI leadership, approved by the Office of the Solicitor, and incorporated into DOI's Departmental Manual pursuant to Secretarial Order 3215.

The following Trust Principles are stated in the 2000 DOI Departmental Manual.



“It is the policy of DOI to discharge, without limitation, the Secretary’s Indian Trust responsibility with a high degree of skill, care, and loyalty. The proper discharge of the Secretary’s Trust responsibilities requires that persons who manage Indian Trust assets:

A.	Protect and preserve Indian Trust assets from loss, damage, unlawful alienation, waste, and depletion;
B.	Assure that any management of Indian Trust assets that the Secretary has an obligation to undertake promotes the interest of the beneficial owner and supports, to the extent it is consistent with the Secretary’s Trust responsibility, the beneficial owner’s intended use of the assets;
C.	Enforce the terms of all leases or other agreements that provide for the use of Trust assets, and take appropriate steps to remedy trespass on Trust or restricted lands;
D.	Promote Tribal control and self-determination over Tribal Trust lands and resources;
E.	Select and oversee persons who manage Indian Trust assets;
F.	Confirm that Tribes that manage Indian Trust assets pursuant to contracts and compacts authorized by the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450. <u>et seq.</u>, protect and prudently manage Indian Trust assets;
G.	Provide oversight and review of the performance of the Secretary’s Trust responsibility, including Indian Trust asset and investment management programs, operational systems, and information systems;
H.	Account for and timely identify, collect, deposit, invest, and distribute income due or held on behalf of beneficial owners;
I.	Maintain a verification system or records that is capable, at a minimum, of identifying: <ul style="list-style-type: none">(1) the location, the beneficial owners, any legal encumbrances (i.e., leases, permits, etc.), the user of the resource, the rents and monies paid, if any, and the value of Trust or restricted lands and resources;(2) dates of collections, deposits, transfers, disbursements, third party obligations (i.e., court ordered child support, judgments, etc.), amount of earnings, investment instruments and closing of all Trust fund accounts;(3) documents pertaining to actions taken to prevent or compensate for any diminishment of the Indian Trust assets; and(4) documents that evidence the Department’s actions regarding the management and disposition of Indian Trust assets;
J.	Establish and maintain a system of records that permits beneficial owners to obtain information regarding their Indian Trust assets in a timely manner and protect the privacy of such information in accordance with applicable statutes;
K.	Invest Tribal and individual Indian Trust funds to make the Trust account reasonably productive for the beneficial owner consistent with market conditions existing at the time the investment is made;
L.	Communicate with beneficial owners regarding the management and administration of Indian Trust assets; and
M.	Protect treaty-based fishing, hunting, gathering, and similar rights of access and resource use on traditional Tribal lands.”⁸

⁸ Department of the Interior Departmental Manual; Effective Date: 10/31/00; Series: Departmental Management; Part 303: Indian Trust Responsibilities; Chapter 2: Principles for Managing Indian Trust Assets.



1.2.7 Findings and Recommendations

The Findings and Recommendations phase of the project was not a discrete point in time, but rather, took place over the course of the project. As the team gathered and documented data, observations, and findings, they compared this information to the following criteria:

- a) **DOI Trust Mission:** As stated in the September 16, 2002 draft of the *Comprehensive Trust Management Plan*, “DOI will perform all trust responsibilities to American Indians and Alaska Natives with a beneficiary focus and will fulfill its fiduciary and legal requirements.”
- b) **DOI Trust Principles:** See Section 1.2.6. Trust Principles as stated in DOI’s Departmental Manual.
- c) **Applicable Industry Standards and Performance Measures:** See Section 1.2.4. Industry standards and measures identified by the EDS team.
- d) **DOI Trust Strategic Goals and Objectives:** See Section 1.2.5. Goals and objectives stated in the *Comprehensive Trust Management Plan*.
- e) **Office of Management and Budget Circular No. A-130:** The purpose of this Circular was to establish policy for managing Federal information resources (i.e., governmental information and information technology). The EDS team completed a high-level review of the Circular, and identified one major tenet as relevant to the development of the As-Is Business Model: providing information to the public. The regions and agencies are required to provide Trust asset information to both Indians (beneficiaries) and non-Indians. This requirement, particularly beneficiary services, was addressed during the analysis phase. For the complete analysis of OMB-130, see Appendix D.

These key DOI and industry references aim to support the Department’s mandate to improve operational effectiveness and efficiency of Trust processes and provide high quality services to beneficiaries. Using these criteria, the As-Is Team identified areas of strength as well as opportunities for improvement within DOI’s trust operations. The improvement areas served as the focus for recommendation development.

The As-Is Team developed a series of recommendations covering each of the process areas as well as higher level, cross process recommendations. Stakeholder recommendations collected during work sessions were considered as well as those originating from the independent perspective of the EDS Team. In developing recommendations, the As-Is Team referenced DOI and Tribal internal best practices, industry standards and performance measures. Most of the cross process recommendations were the result of meetings that took place between the As-Is Team and Tribal task force representatives during each of the work sessions.

1.2.8 Way Forward

Based on EDS experience in working with other U.S. government departments, bureaus and agencies, the team developed a “Way Forward” discussion to conclude the report. This describes how DOI might transition from the As-Is to the To-Be development phase, including what steps need to be considered in preparing for this critical next step in transforming the Department’s Trust processes and services.



The information presented in this report is meant to provide a foundation for beginning the “To-Be” phase of the Trust Business Model. The recommendations presented should not be considered the To-Be, but should be considered as the starting point for To-Be development. The To-Be phase typically involves some further analysis, prioritization and refinement of recommendations made in the As-Is phase. The To-Be phase also encompasses developing a new Trust model, identifying funding requirements, communication and change management planning and universal support functions (e.g., training, workforce planning).

1.3 Navigation Tips

This report represents a close-up review and analysis of how the Department operates and manages the business processes associated with the Indian Trust. It is intentionally detailed, in order to provide specific information for the reengineering efforts that will follow. Chapter 4 may be read and referenced in pieces, depending upon the reader’s area of interest and work at hand. There are eight main sections to Chapter 4, each describing one of the eight core business processes and its sub-processes. Chapter 5 provides findings related to the eight core business processes as well as issues that span multiple processes. Recommendations for all process areas are also identified in Chapter 5. Chapter 6 outlines a Way Forward for the Department. The As-Is Team hopes this document will serve as a useful starting point and foundation for building the new, To-Be Trust Business Model.

2 Context and Complexity of the Indian Trust

This chapter provides background, history, and current realities of the Indian Trust, with the objective of describing the unique challenges and complexities faced by the Department in managing the Trust.

2.1 Magnitude of the Indian Trust

The Department of the Interior has responsibility for what is perhaps the largest land trust in the world. The Indian Trust encompasses approximately 56 million acres of land – Over ten million acres belonging to individual Indians and nearly 45 million acres owned by the Indian Tribes. A 1997 DOI Report indicates that 44.3 million of the 56 million acres of land in the Trust are under lease, with the remainder reserved for other use, not of commercial value or otherwise not in production. On these lands the Department manages over 100,000 leases for individual Indians and Tribes. Leasing use permits, and sales revenues of approximately \$300 million per year are collected and distributed to approximately 236,000 Individual Indian Money (IIM) accounts, and about \$800 million per year is distributed to the 1,400 Tribal accounts.¹ Approximately \$3 billion is retained in Indian Trust accounts, with about \$348 million in individual accounts and the remainder in Tribal accounts.²

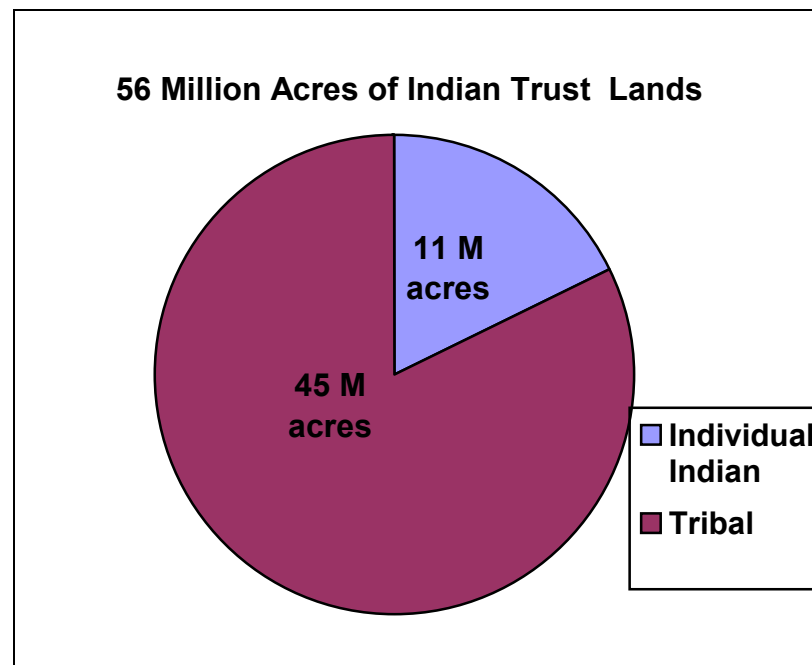


Figure 2.1- 1 The Indian Trust

¹ Secretary Norton, February 25, 2002.

² Office of Trust Funds Management, Brochure, May 2000, <http://www.ost.doi.gov/OTFM%20brochure.htm>. Also, Office of Historical Accounting, *Report to Congress on the Historical Accounting of Individual Indian Money Accounts*, July 2, 2002.

Income for individual and Tribal Trust accounts is produced through the leasing, permitting, sale or conveyance of Trust assets and compensation received from rights-of-ways over Trust lands and proceeds from other processes such as timber sale contracts. The following diagram illustrates the type of income generated for IIM accounts.

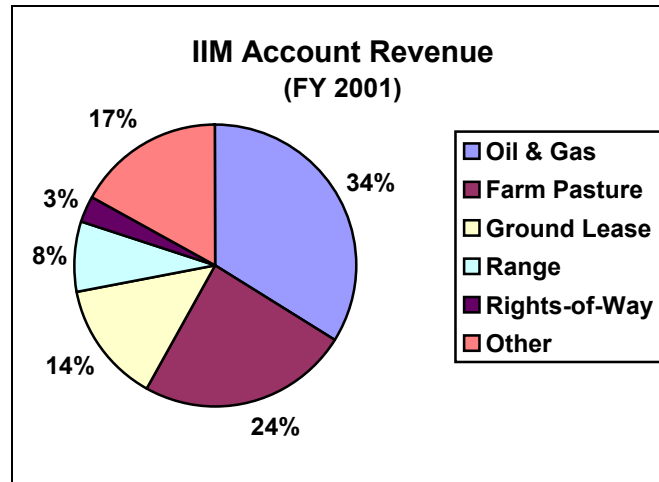


Figure 2.1- 2 IIM Account Revenue

2.2 Treaties and Reservations

Over 450 treaties were signed between the federal government and the Tribes since the settlement of the United States. Ratified treaties are equal in power to federal statute and therefore supersede state law. For the most part, these treaties represent negotiations and agreements between the United States and Indian Tribes on land settlement and use. In many cases, Indian Tribes ceded vast acreages of land in exchange for protection by the United States government for their people. Often the Treaties are referred to as “contracts among nations” and “the supreme law of the land.” The federal government’s Trust responsibility includes protecting these treaty rights and obligations. According to former DOI Solicitor Krulitz, “No comparable duty is owed to other United States citizens.”³ These Tribes typically are referred to as “Treaty Tribes”.

As part of the treaty negotiations up until 1871, Tribes frequently reserved the right to use ceded lands and natural resources. Reserved rights are still in effect today and include hunting, fishing, gathering (of plant life such as wild rice, berries, bark etc.), and grazing. There are approximately 60 Tribes with “off reservation” reserved rights, including 43 Tribes with court-affirmed “off-reservation” reserved rights.

Reservations established after 1871, were created by executive order and statutes, rather than treaty, and usually do not have reserved rights. As with the reservations based upon treaties, these reservations are lands owned by a Tribe and held in Trust by the United States government.

³ Letter from DOI Solicitor Leo Krulitz to Honorable James W. Moorman (Assistant Attorney General, Department of Justice), October 20, 1978.



2.3 Allotments

Through the General Allotment Act, also called the Dawes Act, large portions of Indian Tribal lands were distributed, or allotted, to individual Indians who each received 40 to 160 acres of land. The premise behind the Dawes Act was to move away from Tribal land ownership to individual land ownership.

After Indians received their allotments, non-Indian homesteaders received 90 to 100 million acres of “surplus” Tribal lands that were distributed through the Homestead Act, sold by the federal government, or incorporated into national parks or forests.⁴ Individual Indians were to manage their own lands and become farmers, ranchers, etc. The lands were eventually put into Trust for individual Indians, and the U.S. government assumed responsibility for managing grazing, timber, commercial leases, removal of resources such as oil and gas, and other such income producing activities on these lands.

DOI became the trustee of these lands, and was charged with making sure Indian owners received royalties for the use of their land. Proceeds from land transactions are held in Trust for individual Indians and Tribes, and the Indian Trust is managed by DOI. Initially the Trust was to expire in 25 years, but was extended indefinitely due to continued threats to these lands. Management of the Indian Trust proved to be a massive and complex undertaking. The General Accounting Office noted difficulties with the Trust as early as 1928. Continuing difficulties in managing the increasing complexities of the Trust are evidenced by the need for the 1994 American Indian Trust Fund Management Reform Act, and by issues raised in the recent Cobell litigation.

2.4 Tribal Governments

There are more than 560 federally recognized Tribes who have a unique political and legal status within the United States. The relationship between the federal government and these Indian Tribes is characterized as Government-to-Government. As “domestic, dependent nations”, Indian Tribes exercise inherent sovereign powers over their members and territory. However, Tribes cannot sell Trust land without the permission of the federal government, and cannot make treaties or agreements with other nations. While they are “domestic, dependent nations,” Tribal governments possess the following attributes of sovereignty:

- a) “The power to establish a form of government
- b) The power to determine membership
- c) The power to legislate or otherwise adopt substantive civil and criminal laws
- d) The power to administer justice
- e) The power to exclude persons from the territory or reservation
- f) The power to charter business organizations
- g) The power to sovereign immunity”⁵

⁴ *The State of Native America: Genocide, Colonization, and Resistance*, edited by M. Annette Jaimes, South End Press, Cambridge, MA 1992, p. 13-21.

⁵ Forest Service National Resource Guide to American Indian and Alaska Native Relations, April 1997, <http://www.fs.fed.us/people/tribal/>.



As part of the Government-to-Government relationship, federal agencies are required to consult with Indian Tribes prior to developing or establishing policies that “have Tribal implications.” Recent executive orders in 1998 and 2000 reaffirm the Government-to-Government relationship and describe the coordination and consultation process.

Some federally recognized Tribes undertake “compacts” and “contracts” with the federal government to self-manage some of the services provided to Indian Tribes by DOI and Indian Health Services. The Indian Self-Determination and Education Assistance Act of 1975, as amended, formalized the U.S. government’s policy to promote self-determination and self-governance of Indian Tribes. Through this act and later amendments to it, Tribes can individually determine whether to manage a service internally or continue to receive the service from DOI or Indian Health Services. A complexity of self-determination is that while Indian Tribes are required to meet the same statutes as DOI, Tribes are not required to follow internal DOI policies and procedures for managing Trust assets unless otherwise negotiated. In some cases this results in very different land and asset management practices.

2.5 Statutory Requirements

The Indian Trust is bounded by a multitude of unique laws, original treaties, Supreme Court cases, executive orders, and other legal documents and decisions dating as far back as the 18th century. There are so many agreements and decisions guiding Indian affairs that many federal agencies have developed independent guides, policies, manuals, and training curricula for their staffs to understand how these legal doctrines apply to them. For example, the Forest Service has a guide titled, “Forest Service National Resource Guide to American Indian and Alaska Native Relations,” and the Department of Energy has one titled “American Indian and Alaska Native: Tribal Government Policy.” A sampling of some of the major statutory requirements affecting the Trust include:

- a) The Homestead Act of 1862 – Two hundred seventy million acres of land was claimed and settled by mid-west and western homesteaders
- b) General Allotment Act of 1887 (Dawes Act) – Allotted individual Indians land parcels of 40 to 160 acres, as Indians were encouraged to own land privately rather than through Tribal ownership
- c) Indian Reorganization Act of 1934 – Ended allotments and allowed Tribes to reorganize, encouraging self-government
- d) The Indian Claims Commission Act of 1946 (ch. 959, 60 Stat. 1049), as amended - Established the Indian Claims Commission. The Indian Claims Commission allowed Tribes to bring suit against the United States for land claims prior to 1946. Tribes would be forever barred from filing further claims. The Commission terminated on September 30, 1978.
- e) The Civil and Criminal Jurisdiction Act of 1953 (Public Law 83-280) – Provided an option for transferring civil and criminal jurisdiction over Indians and their lands to the States
- f) Indian Civil Rights Act of 1968 – Made Tribal governments a part of the U.S. federal system



- g) Indian Self-Determination and Education Assistance Act of 1975, as amended – Tribes encouraged to assume responsibility for programs administered by DOI or Indian Health Services
- h) Indian Land Consolidation Act of 1983, amended in 1991 and 2000 – Authorized buying, selling and trading of fractional land interests and established set aside funding for Land Consolidation Pilot Projects
- i) American Indian Trust Fund Management Reform Act of 1994 – Created the Office of the Special Trustee to bring about more effective management of the government's Trust responsibilities with respect to Indian Trust assets.

2.6 Land Ownership Patterns

2.6.1 Fractionation

Since the Dawes Act of 1887, ownership of original Trust lands has become increasingly complex and fractionated. Lands allotted to individual Indians have been passed from generation to generation, just as any other family asset passes to heirs. Probate proceedings commonly dictated that land interests be divided equally among every eligible heir unless otherwise stated in a will. As wills were and are not commonly used by Indians, the size of land interests continually diminished as they were passed from one heir to the next. A land parcel of 160 acres once owned by a single Indian head of household may now have more than 100 owners. While the parcel of land has not changed in size, each individual beneficiary has an undivided fractional interest in the 160 acres. Individual Indians may have land interests that are less than .000002 of the whole.⁶ As their interest in the land parcel is shared, no individual or Tribal beneficiary owns a specific section of the parcel – together, they all own the entire parcel. The 160 acres remain “undivided,” meaning that the size and description of the land has not changed; however, instead of one owner of the land interest, there are now 100. According to Secretary Norton,

There are about 1.4 million fractional interests of two percent or less involving 58,000 tracts of individually owned Trust and restricted lands. Currently, Interior is bound by its Trust obligations to account for each owner's interest, regardless of size. Though these accounts might generate less than one cent in revenue each year, each is being managed, without assessment of any management fees, with the same diligence that applies to all accounts.⁷

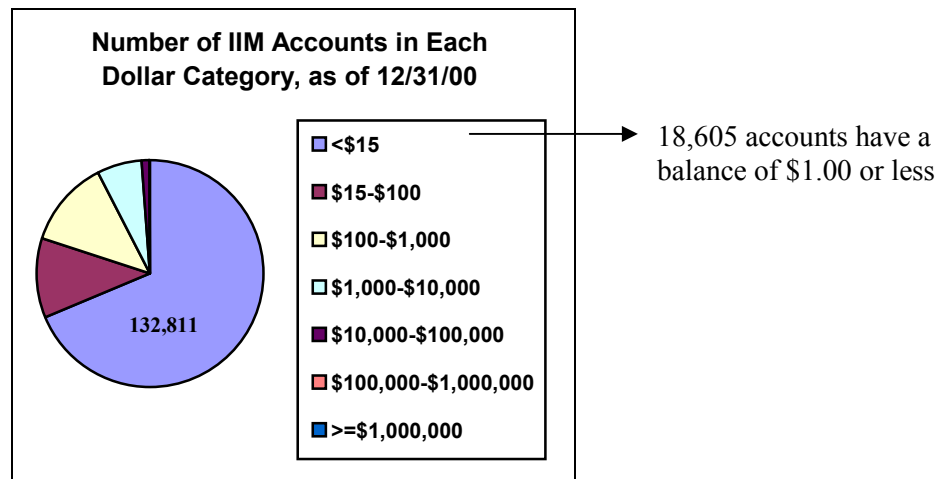
The following figures illustrate the extent of fractionation within the Indian Trust. Over half of all IIM accounts for allotted lands with an income value have balances of less than \$15 each, with 18,605 accounts holding a balance of \$1.00 or less.⁸ According to former Assistant Secretary for Indian Affairs, Kevin Gover, BIA administers fractional interests of two percent or less at a cost of 50 – 75 percent of the realty budget. In 1999 this equated to \$33 million.⁹

⁶ Secretary Norton, 2/25/02

⁷ Secretary Norton, 2/25/02

⁸ Report to Congress on the Historical Accounting of Individual Indian Money Accounts, DOI, July 2, 2002.

⁹ Statement of Kevin Gover, Assistant Secretary for Indian Affairs, Department of the Interior, before the Joint Hearing of the House Resources Committee and Senate Committee on Indian Affairs, on S.1586, the “Indian Land Consolidation Act of 1999,” November 4, 1999.



Source: Report to Congress on the Historical Accounting of Individual Indian Money Accounts, DOI, July 2, 2002.

Figure 2.6- 1 Size of IIM Accounts

As of December 31, 2000, the total balance of these small dollar accounts (less than \$15) was only \$77,624.

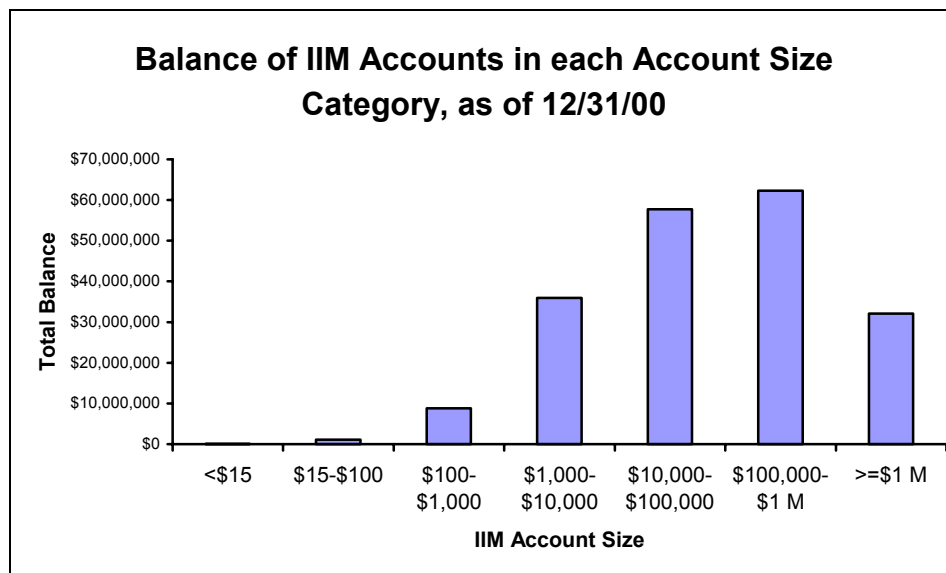


Figure 2.6- 2 Value of IIM Accounts

An example of land fractionation is the Sisseton-Wahpeton Lake Traverse Reservation of North and South Dakota. At one point land tract 1305 consisted of 40 acres of land, produced \$1,080 in income monthly, and had an appraised value of \$8,000. The land tract had 439 owners, one-third of whom received less than \$.05 in annual rent, and two-thirds received less than \$1. The largest interest holder received \$82.82 annually and the smallest heir would receive \$.01 every 177



years. Because of the large number of owners, the annual administrative costs amounted to approximately \$17,560.¹⁰

Individual ownership proportions have in many cases become so diminished from their original allotment size that many Indians consider their interests worthless. Fractionation is costly, not to mention frustrating, for DOI, which has the responsibility to manage this tremendously complex situation. For example, fractionation increases the number of “whereabouts unknown” individuals adding to the complexity of delivering Trust services and increasing the time, money and effort spent to locate beneficiaries with small interests.

The Department has made efforts to reduce fractionation, primarily through the Indian Land Consolidation Act (ILCA) of 1983. ILCA introduced buying, selling, and trading of fractional land interests, but more controversially, began the practice of transferring land interests of less than 2% to the Tribes when a member died. This was later found to be unconstitutional; ILCA was amended in November of 2000. DOI and Tribes continue to buy fractional interests to consolidate title ownership. Land consolidation efforts still present a considerable cost and DOI and Tribes are unable to keep up with the growing number of interests.

2.6.2 Checkerboarding

Not only have original allotments fractionated, but in many cases the ownership patterns within contiguous areas have become very complex over time. As a result of the Dawes and Homestead Acts and subsequent actions, large masses of Tribal land were dispersed and significant numbers of individually owned parcels transferred to other owners. The result is a mixed land ownership pattern among individual Indians, Tribes, local government, state government, federal government, non-Indian citizens, and commercial businesses, commonly referred to as checkerboarding. Checkerboarding occurs both on-reservation and off-reservation. The White Earth Reservation in Minnesota and the Agua Caliente Indian Reservation in Palm Springs are examples of on-reservation checkerboarding, whereas areas within the upper Great Plains Region and eastern Navajo Region near reservations are examples of off-reservation checkerboarding.

The northwest corner of New Mexico is an illustration of the checkerboarding around reservations, as shown in figure 2.6. Ownership of land in this region alternates among the Bureau of Land Management, Bureau of Reclamation, Department of Defense, Postal Service, Tribes, National Park Service, private owners, and the State of New Mexico.

¹⁰ M. Lawson, Heirship: The Indian Amoeba, 1982.

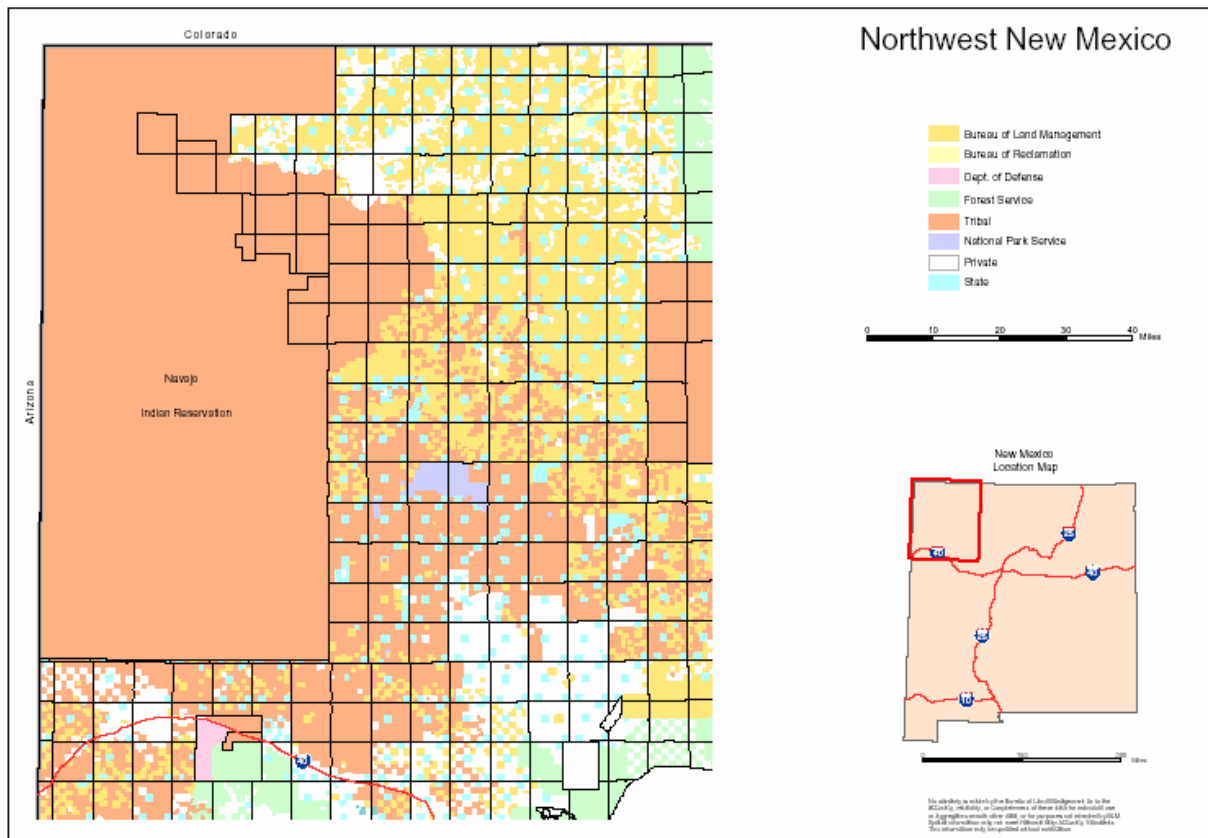


Figure 2.6- 3 Checkerboarding in New Mexico

The checkerboard land ownership pattern adds to the complexity of managing the Indian Trust, and also has a detrimental affect on the economic value of the land. Some of the difficulties in owning and managing the land are described below:

- a) Often lands making up the checkerboard are too small or inaccessible to be useful for producing income. Instead, cooperation of neighboring owners and multi-tract land use planning is required.
- b) As described above, to lease (or sell) a meaningful piece of property, several owners must be consulted. This is time-consuming, and the owners do not always agree on how the land should be used. For example, most real estate transactions require a simple majority of the locatable interest owners. This means that the lessor (often the BIA Realty Officer) must locate and obtain consent from many interest owners (beneficiaries). Locating the owners can be difficult, as there are approximately 61,000 *whereabouts unknown* account holders in the Trust.¹¹ An attempt must be made to contact all of the trust interest owners and at least 50.1 percent of the interests must agree on the use of the property. If one trust interest owner owns 60 percent interest in the property, that owner

¹¹ Office of Historical Accounting, *Report to Congress on the Historical Accounting of Individual Indian Money Accounts*, July 2, 2002.



may provide majority consent. As a result of these regulations, some potential customers view leasing Trust lands as cumbersome, thus lowering the competitive value of the land.

- c) Obtaining Rights-of-Way (access) to Trust or fee lands (privately owned) can also be a time consuming issue. Fee lands can be intermixed with Trust lands in a checkerboarded geographic area. In order to use or access the land, it is necessary to cross fee lands to simply set foot on the Trust land. It is often difficult to obtain access to these “land locked” Trust parcels. This also can be the case in the reverse, where fee landowners must cross Trust lands to access their land. In either case, a permit must be granted to obtain “Rights-of-Way.” As a result, multiple permits must be obtained, and trespassing and theft or misuse of trust property is often an issue. BIA has limited enforcement capability to prevent trespassing on Trust lands, and instead, relies on sister agencies such as the Department of Justice, to litigate Rights-of-Way issues.
- d) As different federal, state, local, and Tribal governments can have responsibility for land intermixed with Trust lands, large scale land use planning is difficult to nearly impossible in a checkerboarded area. As a result, land and its natural resources cannot be put to the maximum benefit of its beneficiaries or citizens.
- e) Due to jurisdictional issues, different codes and regulations apply to different landowners.¹² These different codes and regulations create obstacles to regulating pollution and protecting animal habitats.¹³
- f) Increased miles of adjoining boundaries and number of monuments to maintain to protect trust assets and prevent unauthorized uses.

2.7 Cultural and Spiritual Values and Traditions

2.7.1 Relationship to the Land and Sacred Sites

American Indian and Alaska Native cultures have a special relationship with the land and natural resources of the United States. In addition to representing self-sufficiency, land has many cultural, spiritual, and religious overtones to its indigenous people.

As part of this special relationship with the land, Indian cultures hold certain geographical locations as sacred. These sacred sites are viewed as places of power, and embody many of the values, beliefs, spirits, and ceremonies of American Indian and Alaska Native people. Sacred sites take many forms, including mountains, rivers, forests, canyons, mineral deposits, rock formations, and ancestral burial grounds.¹⁴ Executive Order 13007 defines a sacred site as, “any specific, discrete, narrowly delineated location on Federal land, identified by an Indian Tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the Tribe or individual has informed the agency of the existence of such a site.”

Sacred sites pose many challenges to the management of Trust and non-Trust lands. Often these places of power are located in areas where land development projects are planned or underway.

¹² J. Wabindato, BIA Land Consolidation Project

¹³ J. Wabindator, BIA Land Consolidation Project

¹⁴ Taliman, Valerie, “Places of Power,” <http://www.sacredland.org/powerplaces.html>.



Oil drilling, mining, water damming, or other projects have already destroyed many sites. One author compared what is happening to sacred sites to putting an oil rig through the Sistine Chapel.¹⁵ DOI's charge to obtain the "highest and best use" for Trust lands can conflict with the sacred value of some lands. Another challenge in managing sacred sites is that spiritual presence in these locations, according to Native American and Alaska Native cultural leaders, can only exist if the natural setting remains undisturbed. Proclaimed in 1996, Executive Order 13007 is an attempt by the federal government to preserve Indian access rights to sacred sites as well as to protect the sites from destruction. Some Indian Tribes have treaty rights reserving their access to sacred sites, but others do not.

Another issue complicating the management of sacred sites is the confidential nature of the sites. Tribes are required to submit proof to the government as to the importance and sacred nature of the locations. However, many Indian Tribes do not want the location of sacred sites made public, because the identification of these sites often leads to unwanted visitation and vandalism. To protect sacred sites, the federal government needs them to be identified. Executive Order 13007 states, "Where appropriate, agencies shall maintain the confidentiality of sacred sites." As this issue is still being addressed, Secretary Norton has recently established a task force to oversee management of public lands that Indians use for ceremonial and religious purposes.

2.7.2 Heirship

Contributing to fractionation is the fact that the majority of Indians die without a will (intestate). When this occurs, probate codes usually direct any land interests to be divided among eligible heirs. The absence of wills in the Indian community is due to cultural practices. Because of these cultural practices, developing a will or passing along one's belongings after death is not common practice.

The more material assets an individual has, the more likely they are to have a will. As many individual owners do not have significant Trust assets, the preparation of a will serves no purpose to them. Not only does this add to the continual fractionation of Indian lands, it elongates the probate process and contributes to probate backlogs. For Indians with interests spanning across multiple states and reservations, administrative law judges must keep up with the probate codes and regulations of multiple states and Tribes, which, if there is no will, are more complex regardless of the location(s).

¹⁵ Indian Country Today, April 2002.



3 Industry Standards and Performance Measures

3.1 Introduction

3.1.1 Purpose

DOI has placed a focus on comparing the Indian Trust to industry standards, practices, and performance measures. Leading industry methods were gathered so they could be considered for adoption by the Indian Trust, and to serve as a source for envisioning a To-Be state. Industry insight was obtained through interviews with industry experts and research of relevant industry documents. The Industry standards and practices are focused around the following areas:

- a) **Overall Trust Responsibilities** – activities associated with overall Trust management and administration
- b) **Probate** – the process by which Trust assets are divided among a beneficiary's heirs, devisees and claimants
- c) **Title** – all processes supporting the acquisition, conveyance and disposal of Trust lands; Rights-of-Way crossing Trust Lands, Mortgages and Assignments, and the recordation and reporting of beneficiary interest in those lands
- d) **Beneficiary Services** – all processes that interface with the beneficiary and provide responses to requests for information regarding Trust assets and services
- e) **Appraisal** – the process by which surface and subsurface asset values are obtained
- f) **Surface Asset Management** – the land planning, leasing, permitting and administrative activities that support the utilization of surface acreage
- g) **Subsurface Asset Management** – the leasing, administration and reclamation activities surrounding the recovery of solid and liquid mineral assets
- h) **Accounting Management** – financial account management and the activities associated with maintaining, collecting, investing, distributing, disbursing, reporting, and auditing Trust-related monies
- i) **Cadastral Survey Services** – the process that creates and defines tracts and boundaries of Trust real properties and related consultation services and products

A fundamental understanding of industry standards, practices and performance measures will aid DOI with the following efforts:

- a) Incorporating reasonable benchmarks for Trust administration and beneficiary services
- b) Objectively measuring progress toward DOI enterprise objectives
- c) Continuing to develop and refine policies and procedures for managing the Trust

3.1.2 Approach

The information presented was gathered through the following three parallel activities:

- a) **Industry Top-Down Activities** – In addition to conducting interviews to gather qualitative and quantitative research, industry executives were queried to obtain industry insights and leading perspectives on private trust and non-trust management practices and trends, operational performance indicators and standards used to manage trusts. Similar

information was also compiled for each of the eight processes defined in the As-Is Model. These activities are depicted in the diagram that follows.

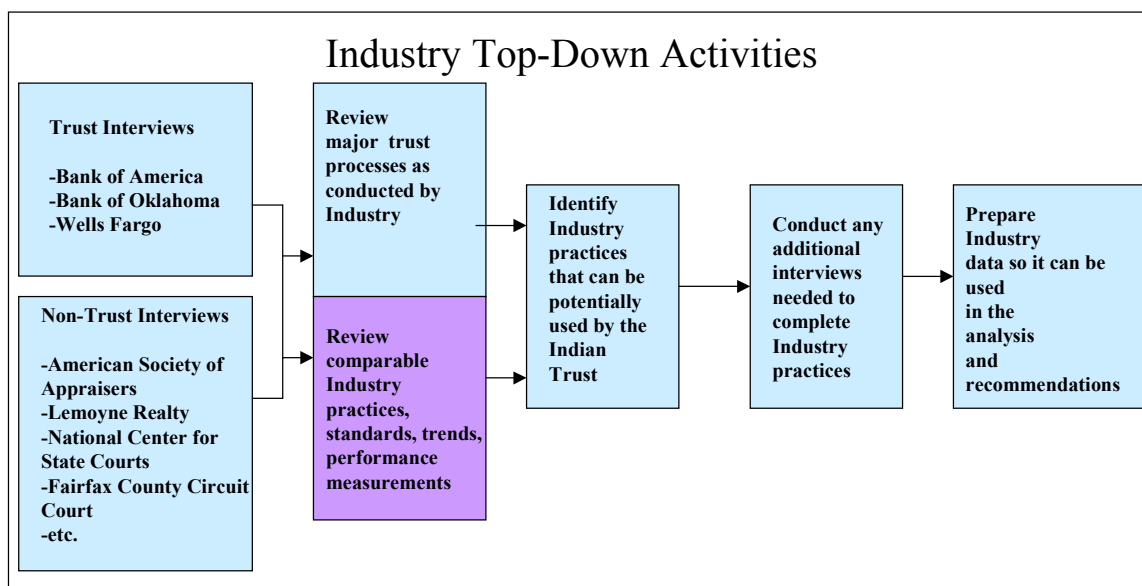


Figure 3.1- 1 Industry Top-Down Activities

- b) DOI Top-Down Activities - Interviews were conducted with executive and senior level DOI representatives to understand DOI leadership perspectives on Indian Trust opportunities and challenges, operational performance management needs, existing measurement and reporting, and critical success factors.
- c) DOI Regional Work Sessions – As a part of the As-Is Trust Business Modeling effort, process sponsors and EDS facilitators captured DOI best practices, issues and recommendations from the field as well as metrics currently used within DOI to measure performance.

3.1.3 Context

In considering the development of a comparison between the operation of the Indian Trust and a typical commercial trust environment, there are both similarities to commercial bank trust divisions as well as several sharp contrasts that should be noted. In general, a number of the basic functions performed are similar, e.g. accounting and realty operations. Industry practices, trends and challenges can provide insight and ideas for Indian Trust reform. However, in certain critical respects the Indian Trust faces unique challenges and constraints. The following table summarizes some of the significant distinctions between the Indian Trust and the commercial trust environment:

Table 3.1- 1 Comparison of Indian Trust and Commercial Trusts

Indian Trust	Commercial Trust
No trust agreement exists for either Tribal or Individual Indian Monies accounts.	A binding trust agreement, with specific guidance to the trustee, is adhered to.
Fees are not charged. The program is funded through congressional appropriations.	Commercial trusts are self-funded. Fees are calculated as a percentage of assets and used in part to support further operational and technology improvements. Fees also are a measurement to determine if a trust can be profitably managed.
No distinctions among beneficiaries are made regarding levels of service.	Individual attention and graduated services are the norm. Premium services are available to clients with high-value trust accounts.
Beneficiaries often have limited assets and fractionated interest in Trust property.	Beneficiaries are frequently high-net-worth individuals.
Initially with the establishment of the Indian Trust, Tribal Trust land was often leased back to beneficiaries. Business procedures supporting this practice remain in place today, including: long-standing use of particular tracts of land by particular lessees, and preferential lease rates to Tribal members.	In general, return on investment and protecting remainder interests are the main factors in decision-making.
The primary Trust asset is land.	While there are some commercial land based trusts, in most commercial trusts the primary trust asset is securities.
Execution of the program is conducted in part through Compacted and Contracted Tribe agreements. These Tribes have their own practices and procedures.	Limited shared operations exist, generally with smaller trusts outsourcing accounting procedures.
Individual field staff members perform a variety of duties within and outside the Trust. They do not have access to specialized training. Introductory Trust management training is given but subsequent training is on-the-job.	Staff has significant on-going training in trust administration.

In addition to differences among these broad characteristics, the industry standard research uncovered significant operational variations between a typical commercial trust business model and the Indian Trust model. The following two diagrams summarize the business models employed. The first captures a common industry approach to managing trust assets (the comparisons have been drawn from commercial trusts with large real estate assets content). Key aspects of this model, in contrast to the Indian Trust approach, are as follows:

- a) The beneficiary has a single point of contact within the commercial trust (normally a Trust Officer) to facilitate communication. Assets are managed by one or more experts

- who maintain customer files specific to each asset and report information up to the Trust Officer.
- b) Larger, more complex accounts are often shifted to regional locations for asset management, though centralized reporting is maintained for consistency across offices and improved customer experience.
 - c) A single Trust Officer can interface with the geographically dispersed Asset Managers who oversee individual portions of an account. A technical center supports operations.
 - d) A single integrated system is the core of a commercial trust operation. It is centrally maintained and is interfaced to receive regular updates from local, departmental, and vendor operated systems as required. This system incorporates functions including realty and beneficiary services, and provides an integrated view of beneficiary ownership, detailed asset information and revenue generation and distribution.
 - e) Support processes are either completely outsourced or not within the scope of concern of a commercial trust department.

Commercial Trust Business Model

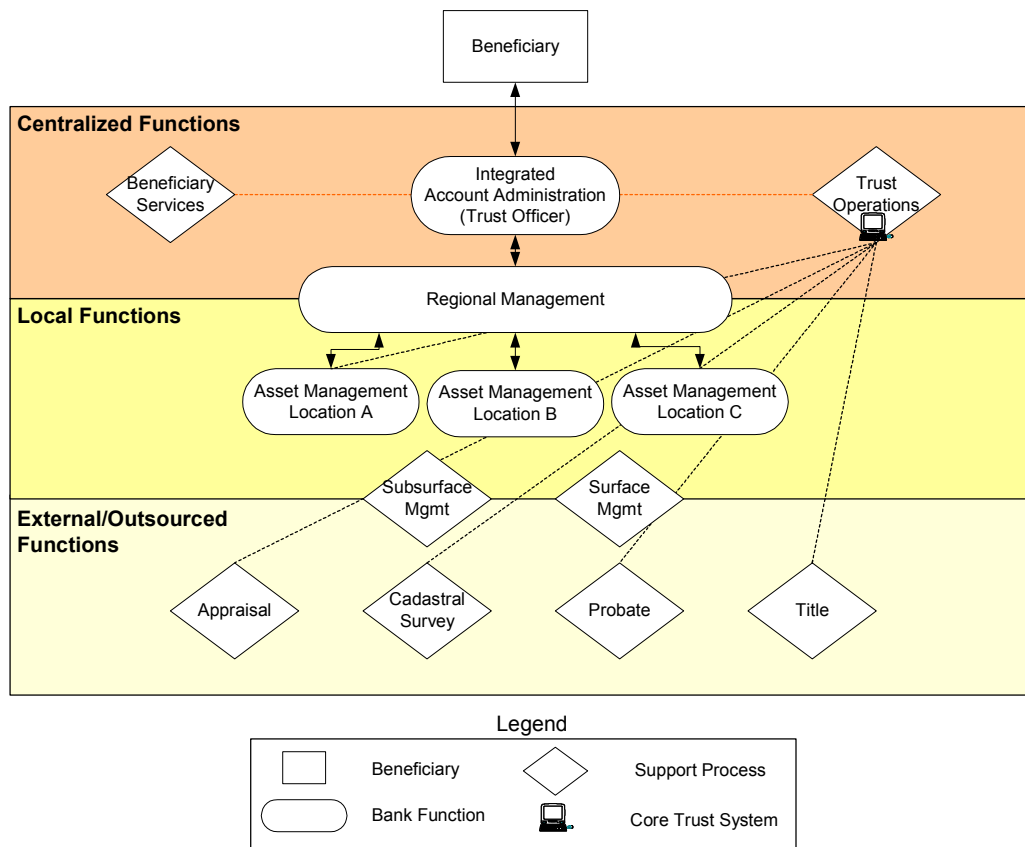


Figure 3.1- 2 Commercial Trust Business Model

The second diagram depicts the Indian Trust environment. While it also has activities in each of the three functional splits shown (centralized, local and external), there are a number of important distinctions from the commercial trust model:

- Beneficiaries are frequently required to contact a myriad of service providers at many levels, including the local and regional BIA offices and central OST/OTFM office, in their efforts to obtain information about their accounts or related leasing actions.
- DOI has many separate organizational units involved in trust activities, including BIA, BLM, OST, OHA and MMS.
- Many services and transactions are conducted from the viewpoint of the local DOI unit outward to the beneficiary, not the reverse. Further, unlike commercial trusts, there is no concept of portfolio management for beneficiaries who have multiple interests, which span several geographic locations.
- Similarly, while systems are in place to support many of the field activities, they do not interface with each other to provide seamless access to information or to help aggregate or synchronize relevant data on ownership, realty and payments.

DOI Trust Business Model

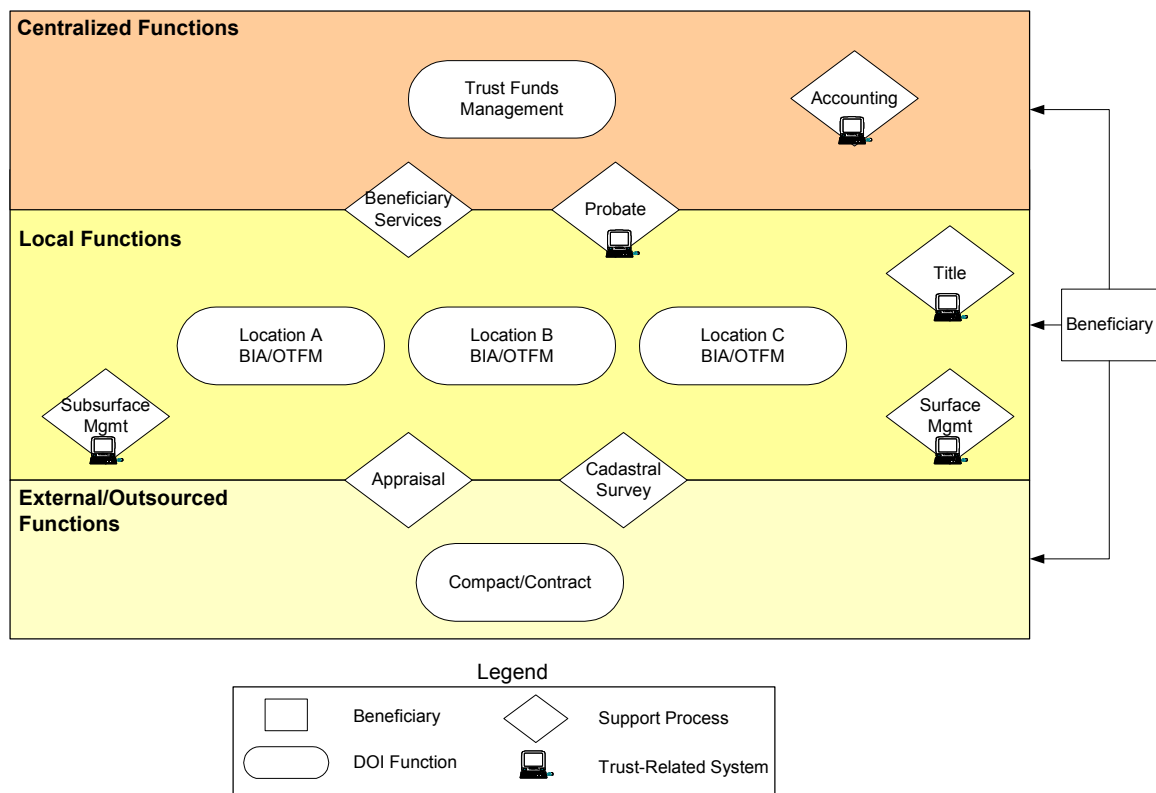


Figure 3.1- 3 DOI Trust Business Model

3.1.4 Industry Standards and Performance Measures

To provide a snapshot of how trust activities are conducted in organizations external to DOI, industry research and interviews were conducted to identify operational standards and practices as well as the performance measures used to define and quantify success. During this process:

- a) Commercial trusts were selected based on the volume and complexity of real estate holdings as well as the composition and geography of their trust asset base.
- b) Government agencies that have successfully adopted customer service programs or were otherwise recognized for customer service were profiled.
- c) Industry experts were identified by national trade associations or through their reputation for excellence in the marketplace.
- d) County courthouse personnel were consulted to understand operational processes and metrics.

Industry standards, business practices, insight, ideas and trends were obtained from the following organizations (descriptions of each are contained in the Appendix J):

Commercial Trust Banks:	Non-Trust Resources
<ul style="list-style-type: none"> • Bank of America • Bank of Oklahoma • Wells Fargo Bank 	<ul style="list-style-type: none"> • American Association of Retired Persons • American Congress on Survey and Mapping • American Society of Appraisers • Georgia-Pacific • Land Trust Alliance • Lemoyne Realty (Land Appraisers) • National Center for State Courts • Suzanne Barker, Probate Attorney • TriState Limited (Land Surveyors) • Wal-Mart • Weyerhaeuser
Government Agencies	
<ul style="list-style-type: none"> • Department of Justice • Environmental Protection Agency • Social Security Administration • U.S. Geological Survey • Veterans Benefit Association 	
County Courthouses	
<ul style="list-style-type: none"> • County Courthouse, Bell County, TX • Fairfax County Circuit Court, Fairfax County, VA 	

Figure 3.1- 4 Industry Sources



3.1.5 Commercial Trust Governance and Responsibilities

In addition to industry practices, this report contains frequent references to guidelines established by the Office of the Comptroller of the Currency (OCC). The OCC is the bureau within the Department of the Treasury that is responsible for chartering, regulating, and overseeing all national banks and their trust operations.

OCC examiners across the nation conduct on-site reviews of national banks and provide ongoing supervision of bank operations. National bank examiners analyze a bank's loan and investment portfolios, funds management, capital, earnings, liquidity, sensitivity to market risk, and compliance with consumer banking laws. They review the bank's internal controls, internal and external audit, and compliance with law. They also evaluate bank management's ability to identify and control risk as well as their overall qualifications and ability to perform the job.

The OCC regulates and has oversight responsibility for more than 2,200 national banks and their commercial trust operations, and 56 federal branches of foreign banks in the U.S., accounting for more than 55 percent of the total assets of all U.S. commercial banks.

The OCC does not receive any appropriations from Congress. Instead, its operations are funded primarily by assessments of national banks. National banks pay for their examinations, and they pay for the OCC's processing of their corporate applications. The OCC also receives revenue from its investment income, primarily from U.S. Treasury securities.

The guidelines established by the OCC are specifically intended for national banks, and these do not govern the Indian Trust. However, they have been included throughout this report because they represent prudent approaches to managing a trust.

According to the OCC, the responsibilities of a trustee include:

- a) Preservation of the assets composing the trust
- b) Management of assets to provide income and appreciation
- c) Distribution of income to designated beneficiaries
- d) Accounting for all actions
- e) Counseling the beneficiaries

The OCC offers thorough guidelines and recommendations related to the performance of fiduciary activities. The following are key subjects addressed in the OCC Comptrollers Handbook for Fiduciary Activities (an explanation of each is contained in Appendix H):

- a) Trust Responsibility
- b) Management
- c) Board Leadership
- d) Policies and Procedures
- e) Auditing Activities
- f) Regulation
- g) Corporate Planning
- h) Contents of the Trust Agreement



3.2 Industry Findings by Process Area

Throughout this section of the document, industry findings for each of the eight process areas are detailed. Key industry findings are summarized at the beginning of each process area; however, taken alone, these do not reflect all of the industry standards that may be applicable to the Indian Trust. Topics are frequently interrelated, and sections include differing levels of discussion on industry practices and procedures, operational standards, performance standards and measures, technology use, industry trends, and success factors. Finally, case studies are highlighted to demonstrate “best in class” organizations involved with similar operations or activities.

3.2.1 Probate

Key Industry Findings

- ⇒ Estates are typically represented by an executor or appointed representative. A beneficiary often serves in this capacity, and can be compensated for his/her efforts. When a bank is assigned the personal representative, the commercial trust has the responsibility to close the estate, but may hire external expertise (such as attorneys) to assist.
- ⇒ Most states have adopted abbreviated probate procedures that can be completed in a short period of time without the assistance of an attorney. Many jurisdictions target six months to a year as the maximum settlement time.
- ⇒ A key trend in probate is the establishment of financial and asset ownership instruments that do not require probates or wills. Real estate deeds and other instruments can be set up to “transfer on death” or be “payable on death,” with beneficiaries named in advance.
- ⇒ As an alternative to perpetuating the growth of fractionated interests, commercial trusts and other historical heirs to trust land have opted to incorporate and manage individual ownership rights in a manner comparable to individual shares of stock.
- ⇒ Probate jurisdiction is normally determined based on the primary residence of the decedent.

3.2.1.1 Formal Probate Proceedings

Formal probate administration can take anywhere from a few months to several years. Estimates vary by jurisdiction, complexity, state law, the judge, skill of the executor, assets involved, whether there is a business to close down, whether there are issues with the sale of real estate or transfer of other assets, how active the heirs are and whether they contest the will, the number of beneficiaries, the number of creditor claims and court required waiting periods.

A judge’s participation and approval is required to complete a probate, and an executor or otherwise appointed administrator is involved throughout the process. This “personal representative” acts to resolve creditor claims, maintain trust assets, provide an accounting of remaining assets, and develop and execute a plan for asset distribution. This person is often a beneficiary who receives direct compensation for their efforts, and is therefore motivated to see the effort through to completion.

The success factors of the probate process include:



- a) A proactive personal representative
- b) Reasonable fees
- c) Reasonable judicial oversight with regards to documentation that notice has been given
- d) Level of education provided to estate administrators
- e) Standardized checklists of the activities that need to occur
- f) Computerized forms that allow the attorney's office to generate and complete forms quickly
- g) An attorney that keeps track of details, uses an accurate calendar/docket system to keep up with the due dates, assists in grief management and knows the client well and communicates with them regularly

Probate costs vary considerably from state to state. Typically fees are incurred for administrative/court fees, attorney services, and for compensating the personal representative. Administrative/court fees are usually minimal, ranging from \$100 to \$200. Attorneys charge on an hourly basis or by a percentage of the value of the estate. It is not uncommon for attorney fees to range around three to five percent of the estate's value, or about \$3,000 - \$5,000 for a \$100,000 estate. Finally, personal representatives, depending upon the state and on what is written in the will, can be compensated for their efforts. Compensation can also be in the three to five percent range, but often, must be approved by the court to ensure the fee is "reasonable compensation" for the effort put forth.

3.2.1.2 Abbreviated Probate Proceedings

The greatest complaints about probate are that it takes too long to do paperwork, it's too arcane and consumer unfriendly, and executors usually need to hire a lawyer to get through the process, making it too expensive for routine matters. Many jurisdictions are working to resolve these complaints by streamlining the probate process to make it more efficient and flexible, especially for smaller estates. The objective is to allow less complex estates to move through the system with less intensive oversight.

There are two types of abbreviated probate proceedings. One is for small estates, valued at around \$15,000 - \$20,000 (though this varies significantly from state to state). This type of probate procedure is often called *small estate administration*. Using this procedure the estate can be settled using an affidavit, requiring little to no participation from attorneys. It is very common for this process to take less than 60 days. However, in many states real property cannot go through this type of proceeding.

Informal or unsupervised probate administration is the second type of abbreviated probate procedure. In some states this procedure is called *summary administration*. Informal probate is designed for estates where there is little to no disagreement over how the assets should be distributed.¹ Informal probate imposes fewer restrictions on real estate transfers than does the small estate process. Most of the same steps as a formal probate procedure are followed; however, the court does not supervise each step. The timeline for closing an estate is typically less than one year and is often in the six to nine month-range.

¹ "Probate: When Someone Dies, A Non-Lawyer's Guide to Probate in Washington, D.C.," Probate Council for Court Excellence, 1997.



In both procedures, the court's involvement in closing the estate is minimal. However, at all times, the court stands ready to serve as a forum for complaints and concerns about the activities of the personal representative.

3.2.1.3 Alternatives to Probate

Three alternatives to formal or informal probate procedures are identified in this section: joint ownership, revocable living trusts, and limited liability corporations. The purpose of the discussion is to identify the alternatives to probate available in the non-DOI environment; the pros, cons, and relative merits of each alternative are not discussed.

Joint Ownership

Joint ownership is perhaps the simplest and most common way to pass property quickly without going through probate. Joint ownership can be used for many types of assets, including stocks, securities, checking accounts, certificates of deposit, jewelry, and real estate. For real estate to pass automatically, the co-owners must be "joint tenants with right of survivorship." Where the co-owners are "tenants in common," the property must go through probate and will be passed only to those persons named in the will.

Revocable Living Trusts

Another way to pass property outside of probate is to create a revocable living trust. In this circumstance, the property owner (*creator*) creates a trust and transfers his/her property into the trust. A trustee is named to manage the trust, and can be the creator, a bank or institution, or a friend or family member. In creating the trust, the creator develops instructions for distributing assets after his/her death. The trustee has the responsibility to distribute assets upon the death of the creator, and is not required to report to the probate court throughout the process.

Limited Liability Corporations

Similar to the Indian Trust, fractionated interests became a problem for land in New Mexico that was historically granted by the King of Spain. To avoid perpetuating the interest fractionation problem, heirs became incorporated and were granted an established number of outstanding "shares" in the corporation that owns the land and the value it produces. These shares are tied to specific tracts of land, and can be bought, sold, or bestowed upon death, but cannot be further divided.

This concept is also applied in the commercial trust environment. Banks often prefer to proactively create a limited liability corporation (LLC) to avoid the development of fractional interests. Instead of allowing ownership division, they create shares in an account and avoid differing goals and objectives among beneficiaries. Each beneficiary can receive financial payouts to use as they wish. The formation of an LLC mitigates risks, preserves assets in an account, and protects the portfolio.

3.2.1.4 Performance Standards

The National Probate Court Standards has published comprehensive standards for probate administration. These standards do not include specific numbers regarding the duration of certain aspects of probate or costs and fees because these numbers vary dramatically by location. Probate



court performance standards, as set by the Commission on National Probate Court Standards, are summarized in the table below:

Table 3.2- 1 National Probate Court Standards

Performance Category	Performance Standard Name	Performance Standard Description
Access to Justice	Public Proceedings	Proceedings and other public business of the probate court should be conducted openly, except in those cases and proceedings which require confidentiality pursuant to statute or rule.
	Safety, Accessibility and Convenience	Probate court facilities should be safe, accessible, and convenient to use. The location of the court should be clearly identified.
	Effective Participation	All interested persons who appear before the probate court should be given the opportunity to participate without undue hardship or inconvenience.
	Courtesy, Responsiveness, and Respect	Judges and other probate court personnel should be courteous and responsive to the public and should treat with respect all who come before the court.
	Affordable Costs of Access	Access to the probate court's proceedings and records – measured in terms of money, time, or procedures that must be followed—should be reasonable, fair, and affordable.
Expedition and Timeliness	Case Processing and Compliance with Schedules	The probate court should establish and maintain guidelines for timely case processing. The court should provide mandated reports and requested information on time and respond to requests for information and other services on a schedule established by the court to ensure their effective use.
	Prompt Implementation of Law and Procedure	The probate court should promptly implement changes in law and procedure affecting court operations.
Equality, Fairness, and Integrity	Fair and Reliable Judicial Process	The practices of probate court should faithfully adhere to relevant laws, procedural rules, and established policies.
	Court Decisions and Actions	The probate court should give individual attention to cases, deciding them without undue disparity among like proceedings and upon legally relevant evidence.
	Clarity	Decisions of the probate court should address the issues presented with clarity and specify how compliance can be achieved.
	Responsibility for Enforcement	The probate court should be responsible for the enforcement of its orders.
	Production and Preservation of Records	Records of all relevant probate court decisions and proceedings should be accurately maintained and securely preserved.

3.2.1.5 Use of Technology

Judges in many jurisdictions are working with private technology vendors to develop support software to help with reviewing accounts. These include tickler systems to prompt accounting processes, follow up on reports, and track spending over a period of time. In addition, they are looking at technology to assist with providing routine oversight in a cost effective and efficient way.



3.2.2 Title

Key Industry Findings

- ⇒ Customers/citizens are able to access land records quickly, often through a web interface.
- ⇒ Records may be submitted to the government in various media – mail, over-the-counter, fax, or electronic.
- ⇒ Documents are digitally scanned at receipt and are immediately available for retrieval.
- ⇒ Through a heavy reliance on technology, backlogs are minimized or nearly eliminated.

3.2.2.1 Department of Justice Standards

The Department of Justice (DOJ) recently published federal standards for land titles, *Title Standards 2001*. The standards serve as a guide for the preparation of title evidence in all types of land and land interest acquisitions by the United States of America through direct purchase, exchange, donation, and condemnation. This publication is available to the public through the Department's website, and includes standards for such items as title evidence, abstracts of title, supporting title data and title insurance. The types of interests covered by these standards include fee simple title, easements, leases with terms greater than thirty years, and restrictions or covenants.

3.2.2.2 Use of Technology

Technology is making its way into the land title industry in many forms. While title records have been electronically recorded for some time, many county registries are further automating their operations to allow authorized users on-line access and a single point of reference for title information. Systems have been brought to market that allow digitally signed entries of land registration to replace written entries. Other products use the Internet to send transactions and orders and to deliver requested information such as title insurance, escrow services, property profiles, survey plats, and tax maps.

The following three case studies illustrate how technology has been used to modernize the recording and management of land records.

Case Study Fairfax County Circuit Court

Fairfax County is located in Northern Virginia, and is comprised of 327,760 taxable land parcels and 5,100 non-taxable parcels. Fairfax County has recently implemented a workflow management system allowing web access to land records.

The Land Records Division of the Circuit Court handles over 100 document types, receives 300,000 – 350,000 documents annually, and recorded over 2 million pages of documentation last year. Trust-related documentation accounts for 75% of the pages processed by the Division. Ninety percent of the workload is attributed to the 6 land and title related documents: deed, trust, certificate of satisfaction, affidavit, power of attorney, and trust assignment.

Fairfax County began implementation of the Land Records Automation System (now called CARS, the Courts Automated Recording System) in 1998. The system is a COTS product called Input Accel, supplied by the vendor ActionPoint. Through the use of an Oracle database, imaging technology, 2-D barcoding, and a workflow management system, the County gives citizens access to land records via a web interface provided at 25 workstations in the courthouse. Subscription services are available to private and public organizations, allowing employees to access and print land records without leaving their offices.

30 to 35 employees work full time to scan and enter all incoming land records into CARS. Documents received over-the-counter are scanned within minutes, are immediately on record, and can be accessed by the public via the web interface. The County is legally required to process the various types of land documents in 60 to 90 days; however, the Division's backlog is currently less than 2 days.

CARS was designed to handle land owned by multiple individuals. To date, the largest number of owners for one parcel in the County is 250.

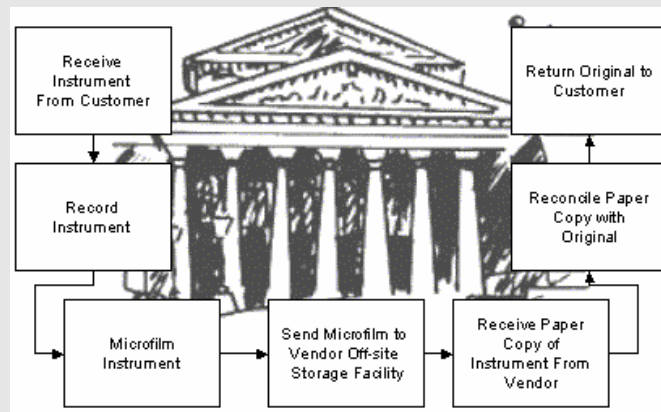
Fairfax County is currently working to implement electronic filing options, and expects this to significantly improve operations by reducing the amount of paper handled by the Land Records Division. Electronic signatures, payment, and document annotations will be part of the new electronic filing process.

Case Study Office of the Bell County Clerk

Bell County is located in Central Texas, and is comprised of approximately 130,000 tracts of land covering 1,059 square miles. On average, two individuals own a single parcel of land in Bell County.

The Office of the County Clerk receives and records between 150 and 200 instruments affecting title each day. Requests normally are received by mail or from a walk-in customer, and tend to come from both individuals and title companies. All instruments are recorded on a first come-first serve basis.

Bell County uses a vendor-supplied system to record and track title status. Three employees work full time to enter all incoming title instruments into the system the day they are received. Within three days, each instrument is microfilmed. No imaging of the document is performed. The original remains at the county clerk's office while the microfilm is forwarded to the vendor's off-site location where a paper copy is generated and the microfilm is cataloged. The paper copy is returned to Bell County to be filed. Before the original instrument is returned to the customer, it is reconciled with the paper copy for accuracy. Approximately one week to 10 days pass from the date that the instrument is first submitted by the customer to the date that the instrument is returned to the customer.



Bell County rarely experiences a backlog in processing title updates. At most, there may be a delay of two days in recording incoming requests. The three employees responsible for recording title share over 55 years of experience in their current positions, and attribute their efficiency to on the job training.

Case Study

Saskatchewan Land Title System

Background

Until recently, the Land Titles System in Saskatchewan had been 100% paper-based. It required labor intensive efforts with no links to survey or mapping data. Paper records could be lost, misfiled, destroyed, stolen, deteriorate over time and were difficult to search. Turnaround times were slow and worsened when workloads peaked. Different procedures had been developed, as each of the eight offices across the province operated independently. Records were stored in each of the offices, and if a client needed to perform a transaction in another area, contact had to be with that office as only they could do the work. Land Titles registration was handled by the Department of Justice, but other land related data (survey, mapping, GIS) was handled by other departments.

The Response

By taking a co-sourcing approach to new system development and operation and including participation from both public and private sector employees, the new system has allowed the following goals to be attained:

- Consistent, province-wide turnaround of 24 to 48 hours or less for title registration
- Submission of work in person, by mail, fax or e-mail
- Clients can check the status of submissions and accounts, and can access title, plan and GIS information over the internet
- Integrity and quality of Land Titles records is being protected and improved
- Improved cost efficiency realized. The central work queue in operation for all offices allows them to share the workload
- Consistent procedures are followed across the system

Technical Solution

With no legacy systems in place, ISC had a clean whiteboard to work with. An n-tier architecture using Microsoft's suite of products was chosen as the platform. The Land Titles Automated Network Development (LAND) Project developed a solution that incorporates NT as the operating system, SQL Server for the database engine, Visual Studio for screen presentation and (MTS) as the middle tier transaction server. The Internet solution used IIS 5.0, Windows 2000 Advanced Server, Site Server, COM+ ASP, XML and XSL. A large imaging system was developed using an RS/6000 and IBM's Shark storage sub-system. The province's GIS data has been enhanced using several ESRI products and linked into the overall solution.

3.2.3 Beneficiary Services

Key Industry Findings

- ⇒ Commercial trusts recognize that they are in the "people" business, and that effective communication is key.
- ⇒ The effective use of technology can improve communication and drive customer service programs. Examples are on-line satisfaction surveys, customer care tools that offer immediate access to customer information, voice recognition for security screening to enable access to personal data, and tracking systems that monitor and report on outstanding issues until they are resolved.
- ⇒ Commercial trusts rely heavily on customer surveys to measure performance. They maintain performance plans and scorecards to monitor how well basic services are performed.
- ⇒ Commercial trusts administrators and retailers alike subscribe to the *Sundown Rule* – strive to answer customer requests before sundown on the day they are received.
- ⇒ In many commercial trusts, all documents, letters, faxes, etc. are imaged as soon as they come into the commercial trust's possession to allow immediate access and sharing of information.



Beneficiary Services (also referred to as Customer Services or Client Services) is a fast growing industry both in the private and public sectors. Beneficiary Services is the delivery of services, benefits, products, or information to external customers. It involves any interaction with beneficiaries, whether the interaction is through formal or informal, face-to-face, one-on-one, group-to-group, electronic, telephonic, or written communication. Best practice organizations stress that every interaction with a beneficiary is an opportunity to provide good service, improve the beneficiary relationship and level of satisfaction, and build confidence in the provider. The three common elements of “closed-loop service” include:

- a) Know the customer. Understand who they are, what their objectives are, and what their contact history has been
- b) Solve their problems. Provide customer service representatives with the resources they need to respond quickly and completely to customer needs
- c) Monitor customer satisfaction to ensure consistent service and identify opportunities for improvement

3.2.3.1 Administration

Commercial Trust Officers frequently serve as customer service representatives, providing personalized, first-rate service to their clients. Unlike the public sector, Trust Officers are motivated by profit incentives and are rewarded for obtaining follow-on sales. The ratio of Trust Officers to accounts ranges from one officer to between 200 and 300 accounts for the private trust area, and approximately one to 125 for complex accounts.

Communication is the biggest internal challenge faced by many large commercial trust institutions. This includes communication with administrators, changes in administrators, and coordination among offices. The effective use of technology can improve communication and drive customer service programs through the use of on-line satisfaction surveys and reduced processing times.

Customer service from public sector providers is subject to legislative and executive direction that is not applicable in private industry. The following table summarizes pertinent legislation related to customer service:

Table 3.2- 2 Pertinent Legislation and Executive Directives

Pertinent Legislation and Executive Orders	
<ul style="list-style-type: none">September 1993, Executive Order No. 12682<ul style="list-style-type: none">Directed Federal agencies to put customer service standards in place, use customer feedback to measure how performing against standards, and report performance to the publicGovernment Performance and Results Act of 1993<ul style="list-style-type: none">Requires Federal agencies to measure customer satisfaction and make changes to improve servicesPaperwork Reduction Act of 1995<ul style="list-style-type: none">Required Office of Management and Budget to approve federally-sponsored information collection where the same question is asked of more than 9 nonfederal respondentsMarch 1995 Presidential memo<ul style="list-style-type: none">Called for Federal agencies to improve their customer service effortsMarch 1998 Presidential memo<ul style="list-style-type: none">Directed agencies to provide more opportunities for customers to communicate their needs and expectationsApril 2000, DOI Secretarial Order No. 3215, Trust Principles<ul style="list-style-type: none">Provides guiding principles regarding the discharge of the Secretary’s trust responsibility	



3.2.3.2 Portfolio Management

In the commercial trust environment, beneficiary objectives are taken into consideration in making investment decisions. Trust monies that are awaiting permanent investment or distribution are invested within a reasonable timeframe (generally overnight sweeps) at the highest available rate of return for trust quality short-term investments. Whether or not an individual wants to pursue aggressive investments impacts how the interests are managed. Commercial trusts take steps to understand the desires, objectives of the beneficiaries and any restrictions placed on their assets – more than just “to be prudent.” However, trust managers also rely on their own experience and instincts, and know the time to sell property for a higher and better use.

Portfolio management activities are regularly monitored (as required by the OCC) within the committee structure of a commercial trust. Formal account investment reviews are performed at regular intervals not to exceed one year. Securities experts, real estate officers and other relevant experts frequently contribute to these reviews as dictated by the Fiduciary’s policies and procedures.

In structuring and managing an account portfolio, the OCC recommends that the trustee should carefully weigh the personal circumstances of the beneficiaries. Once the beneficiaries’ needs have been established, the trustee can develop specific portfolio objectives. Important considerations include:

- a) Need for income
- b) Need for principal distributions
- c) Tax status
- d) Loss of purchasing power
- e) Human dimension of portfolio management
- f) Estimated termination date of account

The OCC goes on to state that the foremost obligation that a fiduciary has to its beneficiaries is that of undivided loyalty. The trustee must, in all cases, administer the trust for the exclusive benefit of the beneficiaries. A trustee is held to something more stringent than the morals of the traditional market. The standard to which national bank fiduciaries must adhere is codified in 12 CFR 9.12.

The trustee is permitted to enter into self dealing or conflict transactions only if it has the proper consent of all beneficiaries, provided the transaction is fair and in the best interest of the beneficiaries. This should be well documented with committee approval.

3.2.3.3 Facilitating Client Communication

According to commercial trust leaders, maintaining open communication with their clients is always the most important concern in managing a trust account. Knowing the clients is very important. The trust administrators have a hands-on view of all of their properties and extensive customer contact. In many situations, clients are even provided with the cellular telephone number of their trust administrator.

At some commercial trusts, incoming calls are recorded and monitored, answered by a person rather than an automated system, and evaluated for customer satisfaction. Customer service representatives use a transaction viewer to obtain current and comprehensive information on the trust account including any correspondence that has been received from the customer or other



information entered into the account by any other trust officer. To provide added security, many commercial trusts are moving towards voice recognition systems to validate that the correct account holder is on the phone. While telephone communication is appropriate for some interactions, OCC guidelines specify that all beneficiary requests for disbursements of trust cash should be submitted to the trustee in writing.

Case Study

Social Security Administration (SSA): Technology and Customer Service

The Social Security Administration services 45 million Americans who receive Social Security benefits. SSA is striving to earn the reputation for customer service that retailers such as L.L. Bean have achieved through the use of the Internet for senior citizens seeking information and online services. In the 2001 U.S. Federal Government customer satisfaction survey, SSA's survivor benefits customers reported an 86% overall satisfaction rating. This is one of the highest ratings received by government agencies.

SSA has piloted and implemented several web-based services that have been very well received. These new interactions include online requests for personal earnings statements and Social Security cards. Additional online services the SSA is preparing to offer include instant messaging and claims filing.

To develop a more coordinated, comprehensive program of collecting and analyzing customer data, in 1998 SSA approved the Market Measurement Program. Components of this program include:

- *Customer Segment Analysis* - Focus groups for each of SSA's 10 core customer groups, followed by detailed surveys.
- *Interaction Tracking* - Surveys to monitor customer satisfaction with telephone services (field office and 800 number), office visits, and the Internet. Surveys are conducted shortly after the service is provided.
- *Talking and Listening to Customers (TLC) System* - This new automated system was developed to capture and analyze customer complaints and compliments.
- *Best Practice Inventories* - Internal SSA best practices are captured and posted on SSA's Intranet, allowing employees who work with the public to share with each other successful experiences and practices.
- Presentations, discussions, meetings, forums, and "brown bag" lunches.

While the majority of SSA's beneficiary population is made up of senior citizens - one of the fastest growing segments of Internet user population - there are still millions who do not use computers at all. For this reason, SSA continues to provide services through traditional delivery channels (such as face-to-face and mail).

Additional Program findings and lessons learned are included in Appendix J.

3.2.3.4 Measuring Customer Satisfaction

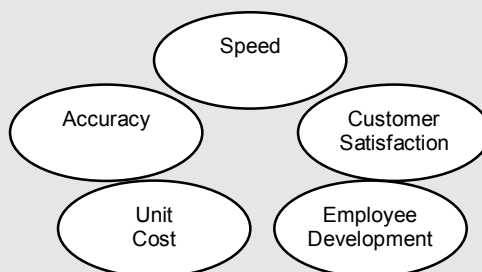
Commercial trusts rely heavily on customer surveys to measure performance. They maintain performance plans and scorecards to monitor how quickly basic services are performed. Scorecard elements may include:

- a) **Processing and payment time.** Commercial trusts normally process a payment in less than five days. This includes receiving a payment, posting it to the books, producing a check, and sending it to the beneficiary.
- b) **Beneficiary correspondence.** Regular meetings are held with beneficiaries, and all calls to and from beneficiaries are logged and documented. Response time depends on the complexity of the question. Standards are in place related to response times.

A comprehensive table of metrics is included in Appendix J, and additional scorecard elements are described in the Veterans Benefits Association example below.

Case Study Veterans Benefits Association (VBA) Balanced Scorecard

The VBA services 3.2 million veterans and survivors through 57 regional offices, nine service delivery networks, five business lines, and \$25 billion in benefits payments annually. After strong criticism in the late 1990's, the VBA sought to revolutionize customer service throughout the organization. This resulted in the creation of a leading edge performance management system that uses a balanced scorecard. The scorecard measures performance in five key areas:



Executive, management and non-management employees are eligible for bonuses based on performance levels in each of the scorecard areas. Some organizations within VBA have chosen to use the bonus money to award teams while others recognize individuals. Scorecard results are made available via the VBA intranet to keep all employees informed of agency performance.

The healthcare industry has seen the development of a less traditional approach to measuring customer satisfaction. This approach, known as The Picker Approach, is one of the more well-known and advanced approaches to patient care. The program was developed at Boston's Beth Israel Hospital and Harvard Medical School, and has been used since 1987 in the U.S. It has also been adopted in the U.K., Germany, Sweden, and Switzerland. The approach focuses on measuring satisfaction according to patient perceptions and providing medical services focused on the patient's needs, as the patient defines them.

Traditionally, patients were not seen or treated as true customers, but as receivers of medical attention. However, Picker stresses the importance of measurement and evaluation of what happened to patients, rather than asking patients how satisfied they were with a service. This has led to an enormous change in the provider-patient relationship. Patients are asked if specific processes or events occurred during their health care experience. Additionally they are asked about the way they were treated and what problems they saw with the care received.

Written questionnaires structured around the seven Picker dimensions are used as part of the survey research process. The seven dimensions of patient-centered care, as defined by the Picker Approach, are the following:

- a) "Respect for patient's values, preferences and expressed needs
- b) Coordination and integration of care
- c) Information, communication and education
- d) Physical comfort
- e) Emotional support and the alleviation of fear and anxiety
- f) Involvement of family and friends
- g) Transition and continuity."²

²Taken from the PISCES (Partnering in Self Help Community Education & Support) website, www.piscesonline.ca/pages/whats-new.html.



The approach to health care continues to evolve, and today patients are much more informed about the medical services they receive and also have choices with regards to their medical and insurance providers.

3.2.3.5 Fostering a Client-Focused Environment

Retail giant Wal-Mart directly attributes its long-term success in the retail marketplace to its client-focused culture. This culture stems from Sam Walton's desire to provide genuine customer service. He founded Wal-Mart in 1962 on three basic beliefs: Respect for the individual, service to its customers, and strive for excellence. They are defined as follows:

a) Respect the Individual

The Wal-Mart emphasis on embracing the value of its people carries over to the shared focus on showing respect and dignity to the customer. This is best summarized by Don Soderquist, retired Senior Vice Chairman of Wal-Mart Stores, Inc: " 'Our people make the difference' is not a meaningless slogan - it's a reality at Wal-Mart. We are a group of dedicated, hardworking, ordinary people who have teamed together to accomplish extraordinary things."

b) Service to Customers

Sam Walton challenged Wal-Mart employees to practice what he called "aggressive hospitality." He believed that customers did Wal-Mart a favor by entering into its stores, and expected Wal-Mart employees to demonstrate their gratitude. He insisted that his sales staff be the friendliest in the business and provide a level of service that is above and beyond the customers' expectations. Walton believed that this would lead customers to return over and over again.

c) Strive for Excellence

Wal-Mart is constantly seeking to improve upon its successes. They strive to embrace innovative ideas and set far reaching goals for improvement. As Lee Scott, the President and chief executive officer of Wal-Mart Stores, Inc., recalls, "Sam was never satisfied that prices were as low as they needed to be or that our product's quality was as high as they deserved - he believed in the concept of striving for excellence before it became a fashionable concept."

Other performance standards and practices instituted by Sam Walton include:

- a) **Sundown Rule** - Wal-Mart understands that its customers are busy, and that its employees depend on each other to meet customer needs. As a result, they have adopted a standard known as the Sundown Rule: strive to answer requests before sundown on the day they are received. Whether a request comes from a walk-in customer, a store across the country or a call from down the hall, every request gets same-day service.
- b) **Listen to your employees** - The people on the front lines who actually talk to the customer are the only ones who really know what's going on. Find out what they know. In order to push responsibility down in the organization, and to force good ideas to bubble up within it, you must listen to what people are trying to tell you.
- c) **Exceed the customers' expectations** - Give customers what they want and then some. If they know that they are appreciated, they will come back again and again. Make good on mistakes, and apologize instead of making excuses.



Within the public sector, there have been efforts to define and implement process focused standards. A summary of such efforts at the United States Geological Survey and at the Environmental Protection Agency is included below. Further details about these efforts can be found in Appendix J.

Case Study

United States Geological Survey (USGS) Customer Service Strategy

The USGS is the science agency within the Department of the Interior. USGS has devised an exemplary customer service strategy that includes a Customer Service Policy augmented by an annual Customer Service Plan. Highlights of the USGS approach to customer service include:

- To mark progress, USGS publishes an annual customer service report that compares the year's performance against all of the identified goals and targets.
- To further demonstrate its commitment to customer satisfaction, in 1997 the USGS created its Customer Service and Research Team. This team was charged with defining customer service from a bureau perspective, providing a future vision, identifying pilot projects for customer satisfaction surveys and customer service enhancements, and integrating customer service standards and measures into GPRA and strategic planning documents
- In 1998, USGS piloted the Customer Measurement Framework (CMF) Model to determine how to better capture, analyze, and apply customer data and feedback. The CMF consists of six steps designed to respond to customers.
- USGS has implemented a customer service recognition award program as a means for organizations, teams, and individuals to be recognized as "heroes of customer service." The award is non-monetary, and there are no limits to the number of nominees or awards given.
- Going the Extra Mile was established to award employees for performing above and beyond their normal job duties. Award recipients can choose between a \$150 cash bonus and special parking privileges. There are no limits to the number of nominees or awards given.

Case Study

The Environmental Protection Agency (EPA) Process Focused Standards

The Environmental Protection Agency has developed a Customer Service Program that is guided by six principles of customer service that EPA employees use when interacting with external and internal customers.

In addition, EPA has identified eight core processes through which most Agency products and services are delivered to external customers. For each process area, specific service standards have been established. The eight core processes and corresponding standards are included in Appendix J for reference. For each process area, EPA established groups of employees to develop and test the standards. The process groups were also responsible for implementing the standards throughout EPA.

Other elements of EPA's Customer Service Program include:

- A Customer Service Steering Committee consisting of 26 members across EPA's regions, offices, and other locations. The Committee sets policy for the Customer Service Program.
- Customer service Coordinators and teams designated in most regions to implement standards and conduct training in their region.
- An OMB clearance to conduct customer surveys and focus groups is in place (officially called a "generic" Customer Satisfaction Information Collection Request). This expedites clearance of specific surveys or focus group sessions to 10-15 days. The plan for 1998-2000 included over 900 surveys and 150 survey instruments.
- Five benchmarking studies have been conducted to identify best practices in the area of organizational change.
- An introductory customer service course titled, "Forging the Links" has been developed and implemented. Follow-up courses have also been developed.
- Complaint systems across the Agency are being studied to identify best practices for managing customer complaints.
- An employee rewards and recognition program is being developed specifically for the Customer Service Program.



3.2.4 Appraisal

Key Industry Findings

- ⇒ Most commercial trusts do not consider it a fiduciary duty to value assets internally, and instead contract this service when needed rather than maintaining their own staff.
- ⇒ There is no consistent set of evaluation standards for conducting appraisals.
- ⇒ In order for the fiduciary to maintain current knowledge of the condition of the property and make informed investment decisions, appraisals which consider alternative uses as well as existing ones are required to be conducted at least once every three years for real properties held in personal trust accounts. The trustee is given discretion when it comes to the appraisal of fractional interests.
- ⇒ All property is appraised before being sold.

3.2.4.1 Background

Industry experts indicated that there are no consistent evaluation standards for conducting appraisals. In 1984, the Appraisal Institute, American Society of Appraisers and the American Society of Farm Managers and Rural Appraisers started assembling joint standards of practice under the Appraisal Foundation.

The Appraisal Foundation was created as the result of an Act of Congress. This foundation developed The Uniform Standards of Professional Appraisal Practice (USPAP), a widely recognized set of standards that are meant to promote and maintain a high level of public trust in the appraisal process. The standards are theoretically the law, and are viewed nationwide as law mandated by Congress. However, they have changed often and many groups, such as the Internal Revenue Service (IRS), have not adopted them.

The USPAP standards were written by appraisers for appraisers, and do not contain any input from the customer. They provide the appraiser with multiple approaches to determining value and multiple methods for reporting their findings. It is at the sole discretion of the appraiser to decide which methods to employ. A summary of the USPAP standards is provided in Table 1 below.

Table 3.2- 3 Summary of the Uniform Standards of Professional Appraisal Practice (USPAP)

Title	Standard
1. Real Property Appraisal, Development	In developing a real property appraisal, an appraiser must identify the problem ³ to be solved and the scope of work necessary to solve the problem, and correctly complete research and analysis necessary to produce a credible appraisal.
2. Real Property Appraisal, Reporting	In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

³ **Note:** “Problem” refers to the property requiring an appraisal. The term “problem” is used because the purpose of the appraisal and the requirements of the customer as well as the type of property drive the steps, procedures, or tools necessary to develop a competent and credible appraisal.



Title	Standard
3. Real Property and Personal Property Appraisal Review, Development and Reporting	In performing an appraisal review assignment involving a real property or personal property appraisal, an appraiser acting as a reviewer must develop and report a credible opinion as to the quality of another appraiser's work and must clearly disclose the scope of work performed in the assignment.
4. Real Property Appraisal Consulting, Development	In developing a real property appraisal consulting assignment, an appraiser must identify the problem to be solved and the scope of work necessary to solve the problem, and correctly complete the research and analysis necessary to produce credible results.
5. Real Property Appraisal Consulting, Reporting	In reporting the results of a real property appraisal consulting assignment, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.
6. Mass Appraisal, Development and Reporting	In developing a mass appraisal, an appraiser must be aware of, understand and correctly employ those recognized methods and techniques necessary to produce and communicate credible mass appraisals.
7. Personal Property Appraisal, Development	In developing a personal property appraisal, an appraiser must identify the problem to be solved and the scope of work necessary to solve the problem and correctly complete research and analysis necessary to produce a credible appraisal.
8. Personal Property Appraisal, Reporting	In reporting the results of a personal property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.
9. Business Appraisal, Development	In developing a business or intangible asset appraisal, an appraiser must identify the problem to be solved and the scope of work necessary to solve the problem and correctly complete the research and analysis steps necessary to produce a credible appraisal.
10. Business Appraisal, Reporting	In reporting the results of a business or intangible asset appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

In addition to these standards, many states have their own rules. Enforcement is therefore difficult, and varies from state to state. In 1986, the Appraisal Institute voted against the federal government setting standards for the States.

Currently there are 50 appraisal boards in the U.S. (one for each state) and appraisers must be certified by the board of any state before they begin work in that state. Annual fees and training refresher courses are often required to maintain certification.

3.2.4.2 Frequency of Appraisals

The OCC guidelines stipulate that a trustee must have a program of appraisal and inspection of all real estate held in accounts where the trustee has investment responsibility. In order for the fiduciary to maintain current knowledge of the condition of the property and make informed investment decisions, appraisals are required to be conducted at least once every three years for real properties held in personal trust accounts. The trustee is given discretion when it comes to the appraisal of fractional interests.

While commercial trusts comply with the OCC's appraisal requirements, they also note that land managers generally know the value of the land they manage, and perform their own valuation for lease purposes.



3.2.4.3 Duration of Appraisals

It would be impossible to say how many appraisals an appraiser conducts in a year. There are too many factors of complexity, including age of the property, size, integrated interests, partial interests, regulation and law, and extraordinary or unusual assumptions. As an example, a typical farm appraisal normally takes anywhere from two to four weeks, while an easy farm appraisal could take just four or five days. In the experience of industry experts, appraisals involving fractionated interests are more complex and normally require them to obtain contract support to complete. These can easily take a month or more for private industry appraisers to complete.

3.2.4.4 Use of Fee Appraisers

Commercial trusts often do not require the services of fee appraisers unless an asset is being sold or probated. Instead, general property values are obtained from other resources, such as the American Society of Farm Managers and Rural Appraisers Manual. Most commercial trusts do not consider it a fiduciary duty to value assets internally, and instead contract this service when needed rather than maintaining their own staff.

It should be noted that management knowledge and control of data is a critical part of the appraisal process. An appraisal coordinator or manager working with an outsourced appraisal company/contract needs to know the appraisal process to be able to select the appropriate company and evaluate the contract. It can be dangerous to use only one appraisal company.

3.2.4.5 Customer Feedback

Customer concerns in the private sector are often related to the amount of time required and the cost incurred to complete an appraisal. Frequently customers are not satisfied with the resulting value of the appraisal and question the accuracy of the work conducted. This is frustrating for both the appraiser and the customer, and as a result, is one of the factors driving automation in the industry. To ensure accurate and credible appraisals, most large appraisal companies have an internal review mechanism that is completed before work is given to the customer. Finding and correcting appraisal errors is critical to the integrity of the appraisals and to the reputation of the company.

3.2.4.6 Success Factors

Industry experts indicated that the greatest factor of success is maintaining a reputation for quality work. Also of significant importance, are time and money spent on the education of appraisers, networking and relationship building throughout the industry. Communicating across the industry through the use of technology also contributes to the success of an appraisal firm. The overall performance of appraisers can be gauged by reviewing:

- a) Whether they are gathering all of the data they need to be thorough
- b) Analytical skills of appraisers
- c) Number of appraisals performed
- d) Average fee
- e) Registered complaints
- f) Appraisal presentation



3.2.5 Land Trust Asset Management

The fiduciary obligation of commercial trusts, as defined by the OCC, requires the trustee to consider two important factors in managing land-based trust assets. First and foremost, the Fiduciary must preserve the trust assets for both the current beneficiary and the future remaindermen. Secondly, the Fiduciary must manage the assets in order to provide income and asset appreciation for those beneficiaries. Land-based trusts produce revenue on both surface and subsurface assets. Management of these land assets involves several important functions, regardless of the nature of revenue production. Those functions include maintaining standard operational policies and practices; planning for asset protection, development and use; establishing and administering revenue producing leases; providing governance and oversight of asset usage, and accounting for and appropriately distributing trust-generated revenues. The following paragraphs address elements that are critical to both surface and subsurface asset management. The sections following describe unique findings and functions of subsurface and surface asset management, respectively.

3.2.5.1 Surface and Subsurface Asset Management, Common Practices

Asset Management Policies

The following standards and practices relate to the responsible operation of land trusts. These principles are highlights from the result of a comprehensive nationwide survey of more than 100 land trusts conducted by the Land Trust Alliance. The Land Trust Alliance provides programs including grants, training, technical assistance and mentoring to assist land trusts. While these standards and practices focus heavily on land conservation, there are overarching principles that apply to global land trust management. The Land Trust Alliance encourages the public (including government agencies and landowners) to utilize its standards in determining the legitimacy and responsibility of land trusts.

Table 3.2- 4 Land Trust Alliance Standards and Practices

Standard	Description
Clear Purpose and Goals Exist	Purpose and goals of the land held in trust should be clearly defined.
Avoid Conflicts of Interest	Take the necessary precautions to ensure that conflicts of interest in how the land is used are avoided.
Fulfill Basic Legal Requirements	Federal, state and local legal obligations must be understood and fulfilled.
Responsible Financial and Asset Management Functions Exist	Finances and assets must be managed in a thoroughly responsible and accountable manner.
Staff Skills and Levels are Sufficient	Staff must have the appropriate skills and in sufficient numbers to carry out programs for trust lands.
Land Use Projects are Carefully Selected	A land trust must be selective in choosing appropriate land use projects and conservation methods.
The Property Is Clearly Defined	A land held in trust must be carefully examined and defined
Sound Transactions are Ensured	Measures are taken to ensure that every transaction is legally and technically sound, and steps are taken to avoid future legal problems.
Understand Tax Requirements	Landowners who intend to claim a federal tax deduction for real property interests are informed about IRS requirements and



Standard	Description
	regulations
Adequate Approval of Transactions Enforced	Land transactions undergo an appropriate process of approval.
Land Stewardship	A land trust must carry out a program of responsible stewardship for its land.

In addition, there are a few guidelines recommended by the OCC for managing real trust property and avoiding liability risks:

- Maintain a policy for the management of property contaminated by hazardous waste
- Identify potential problem real estate properties
- Perform on site inspections of existing property and potential new property
- Examine the title history of the property
- Examine regulatory agency files (EPA lists of hazardous waste sites)
- Perform an environmental audit if concerns are noted
- Obtain indemnification from the beneficiaries of the account

Operational Standards

Operational standards used by commercial trusts in the management of subsurface and surface resources include:

- The “Front office” focuses on client relations, balances and controls, records, filings, and checks/account management. It is considered a “cost center” for management of assets, and costs are tied to the asset. Real estate fees are tied to the market value of the asset. Fees are tied to the revenue produced by the asset. The goal of the front office staff is finding and enhancing revenue to clients.
- The “Back office” focuses on revenue processing, produces daily reports on outstanding revenues, and adds month-end additional staff to post funds quickly to accounts.

Integrated Land Use Planning

Integrated land use planning in commercial trusts balances several considerations in land asset management. These considerations include:

- Maintenance or improvement of the value of the land asset (for present or future revenue generation)
- Protection of the surface acreage (in terms of environmental impact and wildlife habitat protection)
- Achieving best use for both surface and subsurface revenue potential

Trust portfolio managers in the private sector ensure that land use planning accommodates the fiduciary responsibilities to preserve or improve the land assets. Surface asset value can be enhanced when the trustee integrates usage planning surrounding land development initiatives, or works with public or private agencies that provide funding for natural habitat development and preservation.



Lease Administration

The real estate officer or real estate section of a commercial trust department is usually responsible for setting up leases, determining bond requirements, payment terms, and the type of reclamation performed at the end of the lease. The beneficiary is only involved if the trust agreement specifies that the administration of the trust is a shared responsibility.

For subsurface lands, leases are generally written in three-year increments. Renewal leases are issued until the resource is depleted or the operator decides to stop mining.

Commercial trusts take additional costs into consideration when calculating fees for their administration. To be compliant with the OCC guidelines, these additional charges should be disclosed in the trust fee schedule for fiduciary services.

Governance and Oversight

Commercial trusts emphasize that there must be appropriate oversight in developing contracts and leases to ensure that the fiduciary duty is met. They maintain internal annual auditing activities within the trust department to make sure that employees are being consistent. Surface damages, pipelines and easements require governance, oversight and objectivity because these are areas where material impact to the property can occur.

Because real estate administration involves a variety of complex decisions, commercial trusts often establish a separate committee to supervise real estate held in trust when significant parcels are held.

Managing Revenue From Land Assets

Management Systems

A tracking system is helpful in monitoring the timely receipt of income from land interest royalties. According to the OCC, documented policies and procedures should be maintained for the proper supervision and administration of oil, gas and mineral interests. Each asset should be thoroughly documented and monitored regularly. A monitoring system should include elements such as:

- a) Assets to which the interest applies
- b) Type of interest
- c) Decimal interest owned
- d) Title records
- e) Account to which income is to be credited
- f) Description of property leased
- g) Terms of the lease
- h) Name and address of the lessee
- i) Expiration of the lease
- j) Amount of delayed income
- k) Date income is due
- l) Bonuses



Account Management

Commercial trusts follow OCC Regulation 9 Procedures that call for an annual review of each account. They conduct an aggressive review of assets to ensure they are producing and paying for every product. This annual review is used to develop income projections and determine whether the asset is producing revenues, identify the status of wells, and uncover title problems.

There should be comprehensive procedures in place to assist trust managers in the proper supervision of real estate holdings. A tracking system is used by commercial trusts to monitor the timely receipt of asset income. The Fiduciary must be able to monitor operating expenses such as insurance, leases, rents, expenses, capital improvements and taxes effectively.

3.2.5.2 Surface Asset Management

Key Industry Findings

- ⇒ Land use planning in a commercial trust often includes an integrated approach to how surface and subsurface assets will be managed.
- ⇒ A tracking system is used by commercial trusts to monitor the timely receipt and distribution of asset income.
- ⇒ Because real estate administration involves a variety of complex decisions, commercial trusts often establish a separate committee to supervise real estate held in trust when significant parcels are held.
- ⇒ Industry leaders in forestry adhere to standards and management practices developed by organizations such as the International Organization for Standardization and the American Forest & Paper Association. These organizations provide frameworks and tools to develop systematic approaches to implementing environmental policy, and assist corporations with more effectively managing the environmental impacts of their operations.

The information presented in this section reflects industry standards for the management of surface land assets within commercial trust environments.

Land Use Planning

Land use planning in a commercial trust often includes an integrated approach to how surface and subsurface assets will be managed.

According to asset managers in commercial trusts, asset preservation is very important to beneficiaries. Many clients have emotional ties to land ownership and as much as 80% care more about the preservation of their land than income production. Commercial trust managers rely on appraisals to determine the highest and best use of the land and make planning decisions that will satisfy the beneficiaries.

Some commercial trusts work with outside groups such as the Federal Fish & Wildlife Commission to develop properties. This Commission provides funds for the development and preservation of natural habitat properties to those who follow their management practices. Tenants are also incorporating GPS/GIS systems for farmland management, which helps them to apply chemicals in specific areas of property rather than apply chemicals across property.



Commercial trust experts report that there has been a recent trend in transitions from grazing leases to hunting leases, which reinforces their management for the highest and best use of the land and for the benefit of the client. The return on grazing and range is typically just 1-2% of overall valuation. Hunting leases are much more lucrative, and the habitat for wildlife is increased because the brush is not cleared. Wildlife habitat development of trust lands has been popular because it is beneficial both for asset preservation and income generation. This includes development for camping, fishing and hunting, and offers higher income potential than crops and grazing.

The OCC advises that however the land is to be used, the commercial trust should rent property under lease agreements as opposed to monthly rentals whenever possible. Lease arrangements generally allow the trustee to project revenues and vacancies more reliably for a longer term.

Case Study

Forestry Auditing: Georgia-Pacific

Georgia-Pacific maintains an environmental strategy for wood and fiber procurement that addresses several key areas including harvesting practices, wildlife habitat, private landowner leadership, public land management, and facility management. Georgia-Pacific obtains third-party verification of wood procurement practices under the American Forest & Paper Association's (AF&PA) Sustainable Forestry Initiative (SFI) and participates in the AF&PA annual survey to determine compliance with the industry-wide SFI program. SFI requires AF&PA member companies to submit annual data on reforestation, harvesting, research and wildlife management as well as logger training, landowner outreach and conservation agreements.

Georgia-Pacific conducts annual forestry best management practices audits on the land that it has harvested. Compliance reports indicate that 99.8 percent of Georgia-Pacific's direct timber purchases from private landowners were harvested and delivered by SFI-trained loggers; 98 percent of all wood fiber purchases at plant were delivered by trained loggers. Forestry professionals are required to attend best practices and sustainable forestry training.

Case Study

Forestry Management: Weyerhaeuser

Weyerhaeuser is an industry leader in forestry that is committed to practicing sustainable forestry with environmental responsibility. Certification of forestry has become an important issue in the industry. Customers are increasingly seeking verification from independent parties that the products they purchase come from properly managed forests and are produced in an environmentally responsible way.

Weyerhaeuser's approach to certification relies on standards that address the management systems and practices needed to implement a set of environmental standards, and the actual environmental practices, such as prompt reforestation of logged areas.

Weyerhaeuser adheres to the ISO 14001 standard for management practices, and currently maintains 34.5 million acres of ISO certified forests. The International Organization for Standardization developed ISO 14001 as a voluntary, international standard for management systems and practices, based on a rigorous third-party certification process. It includes a framework and tools to develop a systematic approach to implementing environmental policy, and will assist Weyerhaeuser with more effectively managing the environmental impacts of its operations. U.S. timberlands are also incorporating the standards of the American Forest & Paper Association's (AF&PA) Sustainable Forestry Initiative SM (SFI). These standards help to ensure that Weyerhaeuser can:

- Maintain forest productivity and biodiversity
- Protect soil and water
- Offer aesthetic, recreational, cultural and wildlife benefits



3.2.5.3 Subsurface Asset Management

Key Industry Findings

- ⇒ Land use planning in a commercial trust often includes an integrated approach to how surface and subsurface assets will be managed.
- ⇒ A tracking system is used by commercial trusts to monitor the timely receipt and distribution of asset income.
- ⇒ In addition to requiring monthly reports from the operator, lease provisions frequently include routine audits of the operator's books for verification of the quantity of resources being extracted.
- ⇒ The beneficiary is only involved in subsurface lease administration if the trust is a shared responsibility.

The information presented in this section reflects industry standards for the management of subsurface mineral assets within commercial trust environments.

Valuing Income and Assets

How a subsurface mineral is valued depends on the type of asset in question.

- a) **Royalty Interests** – A royalty interest is defined as an income flow that is generated once a subsurface asset is extracted and sold. In calculating the royalties associated with a mineral deposit, the value is normally three to four times the gross earnings.
- b) **Working Interests** – A working interest is an interest that includes income generated and expenses incurred over the lifetime of an asset. This includes expenses associated with bringing the asset into production and during production, closure and remediation and sharing revenues associated with the extraction and sale of the asset. Working interests are valued at the cost of the expense incurred or the sale price of the asset produced.
- c) **Reserve Asset** – Reserve assets are valued through a reserve study, which is normally conducted by an outside consultant. A reserve study generally estimates the volume, quality and life expectancy of a subsurface deposit.
- d) **Liquid and Gas Assets** - The volume of liquid and gas assets produced is determined at the wellhead unless the lease agreement specifies otherwise. The value associated with the production may be based on contractual terms, spot market value, or exchange value.
- e) **Solid Assets** - Solid assets including coal, sand and gravel are valued by appraisal.

The operator is the single party responsible for developing, producing and closing the asset property. The operator's responsibilities include tracking, reporting, collecting and paying all relevant expenses and incomes associated with the property, including appropriate payments to other working and royalty interests.

In addition to requiring monthly reports from the operator, lease provisions frequently include routine audits of the operator's books for verification of the quantity of resources being extracted. Most states have reporting requirements and maintain records of accurate values that the commercial trusts can reference to verify that an operator is reporting accurate values.



Monitoring Assets

There must be appropriate oversight in developing contracts and leases to ensure that the fiduciary duty is met. There are internal annual auditing activities within trust departments to ensure that employees are being consistent. The trustee must also remain informed of activities that impact the properties held in trust, such as drilling in areas where mineral properties are owned. By doing so, the fiduciary may have the opportunity to negotiate leases and create interest in non-producing properties.

Mineral Rights

Oil and gas have seen increased drilling and production in recent years. States have cited that mineral rights have become increasingly complex and divided, causing title searches to become very expensive and taxation to be difficult. The State of Minnesota has attempted to solve this by requiring all interest holders to file with the state within a certain timeframe after purchase or inheritance of rights. Rights are forfeited if the individual does not file.

Operational Standards

Operational standards used by commercial trusts in the management of trust oil and gas resources include:

- a) The oil and gas system tracks every asset in each account, including producing, non-producing and royalty interests. Each line item of revenue is tracked to an asset.
- b) Commercial trusts hire oil and gas industry experts to help manage trust accounts and assets. They consolidate leasing across assets to get the best leases and terms, and also have one specialist who focuses on leasing and assists account managers.

3.2.6 Accounting Management

Key Industry Findings

- ⇒ Each asset in a trust account is tracked separately within commercial trust environments. The individual items on statements are carefully reviewed to identify delinquent payments, changes in payment amounts, etc.
- ⇒ Commercial banks monitor performance against well-defined standards. These service agreement standards are often available to all employees via intranet access or through other internal mechanisms. A monthly scorecard is used to report on performance in relation to these standards. More detail regarding commercial trust metrics is provided in Appendix J.
- ⇒ An integrated trust accounting system is normally used for record keeping, and reports are generated to reconcile and report all trust information.

The OCC cites an effective cost accounting system as the most useful management tool for directing fiduciary activities to sustained profitability. Fiduciary operations must provide



comprehensive record keeping and information systems to properly support the administration of accounts. Systems should provide detailed account information to management, customers, regulatory agencies and other parties as appropriate. While organizational structure and information systems will vary according to the size and complexity of fiduciary activities, there are basic principles and controls that should be present. The fiduciary must have necessary systems and controls in place to:

- a) Safeguard fiduciary assets
- b) Assure the accuracy and reliability of accounting data
- c) Provide timely management and account information
- d) Maintain levels of operating efficiency
- e) Operate in a cost effective manner
- f) Ensure compliance with laws, rules, regulations, and institutional policies
- g) Ensure privacy and confidentiality
- h) Accommodate new financial products and services, and future growth

3.2.6.1 Accounting Systems

The OCC requires that trust accounting systems include proper reconciliation and control procedures, produce accurate and timely information and be flexible to accommodate future growth. OCC guidelines suggest that an accounting system be capable of providing the basic accounting records outlined in Precedent and Opinion 9.2020, Minimum Standards of Information (MSI) for Trust Electronic Data Processing (EDP) Systems. Commercial trust departments are investing in as much automation as possible, and are constantly upgrading technology. An integrated trust accounting system is normally used for record keeping, and reports are generated to reconcile all trust information. Accounting systems are often customized to track all of the requirements that a commercial trust must comply with. Some commercial trusts emphasize the importance of maintaining a data warehouse, which provides powerful analysis and reporting features not offered by traditional data management tools.

A best practice described by one commercial trust is the use of an incident reporting system. The system was built internally for account management and is now available to other commercial trust operations providing the following:

- a) Trust incident tracking where every step of communication/action from issue identification through resolution is tracked
- b) Every employee has access to the system and the incident tracking information
- c) Once an issue is "opened" in the system, each step to resolution is Date/Time Stamped
- d) Target resolution for information entry (notes and progress) is eight hours. For issues requiring significant research, the target is a 24-hour turn-around
- e) The commercial trust is able to do volume and trend analysis on system data. (An example "issue" for oil and gas is that a company provides a statement with a missing Well number, and the trust needs to ensure proper documentation is received to process the revenues.)



3.2.6.2 Managing Trust Assets

Organization

Commercial trusts are organized to provide high levels of service to their beneficiaries. Trust Officers often interface directly with clients, particularly in situations where the beneficiary is a high net-worth individual. In all cases, the organization is structured in a way to best meet the needs of its clients. This normally includes a combination of asset managers and account managers with direct access to and understanding of customer specific information, histories, and needs.

The target ratio of account managers is approximately one manager to between 200 to 300 accounts, depending on the complexity and type of accounts.

Administration cost compared to value of assets isn't as important to commercial trusts as expense vs. income generated from assets.

- a) Margins differ by industry
- b) The basic rule is to beat the Standard and Poors (S&P) 500
- c) Administrative costs generally range from 0.4 – 0.5% for the oil and gas assets, including external support costs that are allocated to oil and gas. The customer pays approximately one percent for the services.

Documentation

Commercial trusts maintain thorough documentation, including receipts, to support the proper collection and distribution of assets. With many commercial trusts, all documents, letters, faxes, etc. are imaged as soon as they come into the trustee's possession. Once imaged, the documents can be made available to the appropriate account manager as well as the Trust Officer at the center where the account is managed. Originals are normally kept anywhere from six to nine months before being archived.

Separate records must be maintained for trust principal and income. This distinction enables the trustee to account for separate beneficial interests. According to the OCC, income is defined as the return derived from the use of principal and may consist of dividends, interest, rents or royalties.

Internal Controls

Each asset in a trust account is tracked separately within commercial trust environments. Money often comes into a lockbox account, and then the owner is identified and the money is distributed to their trust account. The individual lines of the accounts receivable are studied to identify delinquent payments.

Additional internal controls employed in commercial trusts include:

- a) Committee structure - Asset managers forward contracts to a senior committee for approval. This approach enables them to avoid conflicts of interest and self-dealing.
- b) Real Estate Committee – This committee monitors and reviews trust land use to ensure the best use of the land and to confirm it is utilized under the terms of the agreement.



- c) Management Control Review Process – This is an internal self-monitoring process that reconciles system information with hard-copy files.
- d) Trust Policy Manual – Policies are clearly documented and often made available online
- e) Administrative Operating Guide – Administrative procedures are carefully explained and frequently available online
- f) Desktop Procedures
- g) System database tracking for real estate (leases, contracts). This is normally a vendor-supplied package.

Group checklist are used by commercial trusts to ensure the required documentation is in order for opening & closing trust accounts:

- a) Title
- b) Taxing Authority
- c) Purchaser
- d) Operators (for working interests)
- e) Conveyances for selling interests (work through courthouse)

3.2.6.3 Performance Standards

Commercial Trusts

Commercial trusts monitor performance against well-defined standards, and all service agreement standards are often available on their intranet or through other internal mechanisms for all employees. A monthly scorecard is used to report on performance against standards. Subsets of standards from each department are reported to the bank president each month. Examples of standards include:

- a) Delivery commitments: Statements are produced in two days for individual trust accounts and in five days for business trust accounts. All statements are available on the intranet on the 1st day of the month. Distributions are made either monthly or twice a month.
- b) Client satisfaction: Client's needs are surveyed periodically by client type. Surveys are conducted for corporate trusts, employee benefits' trusts and personal trusts. Surveys are conducted by trust operations and line managers. Some of the surveys are conducted via the Internet.
- c) Client Control: Certain clients (e.g., 401k's) have ability to conduct daily trades online.

Appendix I includes additional standards and metrics that are used to measure performance in a commercial trust.

American Law Institute and the American Bar Association

In March 2002, the American Law Institute and the American Bar Association published a guide to fiduciary accounting to support the Uniform Fiduciary Accounting Principles and Model



Account Formats of the Committee on National Fiduciary Accounting Standards⁴. This guide, *Fiduciary Accounting and Trust Administration*, presents performance standards and guidelines that apply the principles set forth in these documents.

Of the standards presented in the guide, those more applicable to the Indian Trust are found in the table below.

Table 3.2- 5 Guidelines taken from the Fiduciary Accounting and Trust Administration Guide⁵

Topic	Standard
RECORD KEEPING An appropriate set of records should be established at the outset of a Fiduciary's stewardship. The system should be designed to provide the day-to-day information needed to supervise the funds for which the Fiduciary is responsible. It should also provide adequate financial data to facilitate the preparation of fiduciary accountings.	1.1 <i>Scope of Records.</i> A Fiduciary's record can be as simple as a checking account or as complex as a system of separate ledgers designed by an accountant
	1.2 <i>Schedules.</i> The financial data in a Fiduciary's record keeping system can be translated into the schedules necessary for a complete accounting. Schedules refer to the following: <ul style="list-style-type: none"> a) Assets inventoried at death or awarded or donated at creation of the trust b) Subsequent receipts c) Investments made d) Disbursements e) Distributions to beneficiaries f) Gains and losses on sale or other dispositions g) Changes in investment holdings and h) Balance on hand
BASIC OBJECTIVES AND GENERAL STANDARDS OF FIDUCIARY ACCOUNTING The fundamental objective of any fiduciary account should be to provide essential and useful information in a meaningful form to parties interested in the accounting process.	8.1 <i>Basic Objectives Of Accounting.</i> The primary goal of a fiduciary accounting is to enable beneficiaries and other interested parties to understand the administration of the fund by providing them with all necessary information in as simple but complete a form as possible.
	8.2 <i>General Standard For Accounting.</i> The Fiduciary should try to avoid technical terms and unusual abbreviations. When this is not possible, those terms should be explained so that a person of average intelligence can read and understand the account. Per The Committee on National Fiduciary Accounting Standards, "Accounts should be stated in a manner that is understandable by persons who are not familiar with practices and terminology peculiar to the administration of estates and trusts."
	8.2 <i>Presenting The Fiduciary Accounting In Proper Context.</i> The opening pages of the account should note the nature and function of the account, the name of the Fiduciary and an address where more information can be obtained, any important procedural considerations, and include a summary of the account organized as a table of contents.

⁴ The Committee on National Fiduciary Accounting Standards was established in 1972 to unify accountings prepared and presented by Fiduciaries across the United States.

⁵ Unless otherwise stated, guidelines and text in this table are quoted directly from the *Fiduciary Accounting and Trust Administration Guide*, written by Robert Whitman and David M. English, March 2002.

Topic	Standard
	Per The Committee on National Fiduciary Accounting Standards, “A Fiduciary accounting shall include both carrying values—representing the value of assets at acquisition by the Fiduciary—and current values at the beginning and end of the accounting period.”
	Per The Committee on National Fiduciary Accounting Standards, “Gains and losses incurred during the accounting period shall be shown separately in the same schedule.”
REASONABLE REVIEW OF FIDUCIARY ACCOUNTINGS ...there has been little or no effort to establish standards for the reasonable review of fiduciary accountings.	9.1 <i>The Meaning Of A Reasonable Review</i> . A reasonable review is the level of review that meets the client’s perceived needs, fits within the client’s budget, and allows the client to gain a measure of assurance that the Fiduciary has properly performed his duties. What qualifies as a reasonable review of a fiduciary accounting depends on the particular circumstances of each case.
	9.2 <i>Reasonable Review: A Range Of Options</i> . A reasonable review consists of performing an agreed-upon range of services. The performance of services is to be at the depth of review that the client, in consultation with the practitioner; has chosen.
PERFORMANCE ACCOUNTING Performance accounting is the systematic demonstration of performance of a fund being accounted for during the time covered by the periodic accounting. The overall objective of performance accounting is to allow the beneficiary to track the performance of assets held in trust.	10.4 <i>Presenting Asset Performance</i> . Regardless of the level of performance accounting employed by the Fiduciary, asset performance must be presented in a manner that is easily understood by the beneficiary.

Of particular interest are the final two topics listed in the table, reasonable reviews of fiduciary accounting and performance accounting. While both topics are considered important, consistent standards in these areas are not well established. Fiduciary reviews are expected to take place on a regular basis; however, the standard is simply that they are “reasonable.” Performance accounting, though recognized as beneficial in the trust and estate practice area, has not been incorporated into standards written by the Committee on National Fiduciary Accounting Standards or by the Association for Investment Management and Research. However, according to the *Fiduciary Accounting and Trust Administration Guide*, “...it is expected that clients and beneficiaries more and more will seek performance indicators from Fiduciaries, so they may better evaluate the Fiduciary’s investment skills and determine for themselves the level at which their assets are producing.”⁶

⁶ Whitman, Robert and English, David M., *Fiduciary Accounting and Trust Administration Guide*, American Law Institute-American Bar Association Committee on Continuing Professional Education, 2002.



3.2.7 Cadastral Survey

Key Industry Findings

- ⇒ Price ranges for survey services vary widely depending on the type of work requested. Most often, surveyors quote a range for a given type of work and then provide the actual cost after completing the work. The price and duration of the survey is directly related to the complexity of the job.
- ⇒ In many ways, BLM practices are the industry standard that private surveyors adhere to. BLM has more leading edge technology than the private sector, and often BLM works with hardware and software developers to create products that are later made available to the market.
- ⇒ Many of the operational land title survey standards developed by the American Land Title Association and American Congress on Survey and Mapping are a higher level than what private industry often adheres to for cost reasons.

3.2.7.1 Operational Standards

There are operational land title survey standards in place throughout the industry developed by the American Land Title Association and American Congress on Survey and Mapping. It should be noted, however, that these standards are a higher level than what private industry often adheres to for cost reasons.

Price ranges for surveys vary widely depending on the type of survey. Most often, surveyors quote a range for a given type of work and then provide the actual cost after completing the work. The price and duration of the survey is directly related to the complexity of the job. Shortcuts in surveying can be very costly. Experts noted that the average boundary dispute lawsuit today costs about \$350,000. Sources of complexity in conducting surveys include:

- a) The age and quality of previous surveys - The last known survey could be hundreds of years old, and significant research may be required because that is what the deed or title is connected to.
- b) The degree of research required to conduct a survey makes it difficult to assign a timetable for completing a survey.
- c) The complexity of the terrain and the quality of monumentation existing on the land -The average rural survey entails finding original evidence of boundaries. This evidence may be 100-150 years old in western states and 200-250 years old in the east. Often monuments are far apart over difficult terrain.
- d) Travel – Surveyors may be required to travel great distances to remote locations.
- e) Time of year – The winter months tend to be less productive in many locations because surveyors must wait for accumulated snow to melt so that monuments can be located.



3.2.7.2 Education

Industry experts identified education as the first of two current trends in surveying. Much of this change stems from a traditional lack of standardization across the states in schooling and examination.

Traditionally, the curriculum an individual would follow to become a licensed survey practitioner was an eight year program. This time was typically comprised of four years work experience or a four-year degree, successful completion of a preliminary exam, followed by four years of experience under a licensed surveyor, and finally a second exam. However, some types of licensed engineers could perform survey work if they had taken a couple of survey classes as part of their University curriculum.

Today, states are beginning to require all engineers to pass a survey-licensing exam in addition to completing their engineering curriculum in order to survey. Several states are taking this a step further by requiring the completion of a four-year survey degree program by all candidates before the licensing exam can be completed.

Many individuals that need or gather survey related data don't realize that licensing is required to do survey work. This can lead to survey rejection, title problems, and boundary rejection. One industry expert estimated that ninety percent of people performing surveys in the industry are not licensed.

In spite of the required years of education that prospective surveyors obtain, business, communication and writing skills are recognized weaknesses within the survey profession.

3.2.7.3 Technology

Technology is the second aspect of survey that industry experts indicated as an area undergoing significant change. Technological advancements include computer assisted map making, laser technology, Geographical Positioning Systems (GPS), and Geographic Information System (GIS) evolution. The next five years will likely see continued and perhaps accelerated advancement in demand and use of GIS technologies and applications. There will be further improvements to the degree of accuracy/precision of surveys, the demographic information and boundary information, photogrammetry, and land information databases.

In many ways, BLM practices are the industry standard that private surveyors adhere to. BLM has more leading edge technology than the private sector, and often BLM works with hardware and software developers to create products that are later made available to the market.

3.2.7.4 Performance Metrics

The primary metric by which success is defined among private sector surveyors is whether the survey company made money. If they did not, the work was either underestimated or there was a communication failure that resulted in rework. Additional metrics include:

- a) Consistent timeliness
- b) Actual time and dollars vs. proposed time and dollars (Success is defined as hitting the mark on 70-80% of projects)
- c) Number of times rework is required
- d) Number of iterations required for something like county approval



- e) Number of complaints generated (Customer complaints are most often related to the time it takes to complete a survey and the associated cost.)
- f) Number of lawsuits

3.2.8 Conclusions

The industry standards presented in this chapter illustrate some of the best practices used by commercial trusts and trust-related industries in carrying out processes similar to that encompassed by the Indian Trust. Many lessons can be learned from looking at how different industries and organizations perform similar processes and functions. While some of the practices apply to the Indian Trust and may provide some very good insight as to how improvements in the management of the Trust can be made, others may not be feasible or may not support the unique environment of the Trust.

In reviewing the industry standards findings in the context of DOI and the Indian Trust, key themes emerge. The As-Is team believes these to be the industry standards and practices that 1) are most applicable to the Indian Trust, and 2) illustrate the biggest gap between industry and current DOI trust processes.

- a) Commercial trusts center their organization, processes, and supporting systems around their customers. Customer service is paramount, and high standards are evident throughout all commercial trust processes. Commercial trusts constantly monitor customer satisfaction through various mediums and are continually working to improve their approach to service delivery. Trust Officers provide personalized, one-on-one service to beneficiaries. Higher service levels are provided to individuals with higher dollar accounts. Commercial trusts and trust-related industries are offering their customers information and services through various service delivery channels (e.g., mail, web, over-the-counter, telephone, fax). Industry is continually developing new delivery channels to give their customers even more convenient access to their accounts, investment information, and other transaction information.
- b) Within the commercial trust environment, beneficiary objectives, needs, and personal circumstances drive investment decisions related to their portfolios.
- c) Commercial trusts rely on integrated trust accounting systems. According to the OCC, an integrated system is one of the most useful management tools in directing fiduciary activities and sustaining profitability. Through the use of effective accounting systems, beneficiary account activity can be accurately tracked, reported on, and communicated.
- d) Document imaging and related information sharing processes are being used increasingly within commercial trusts as well as the real estate area. Commercial trusts take images of beneficiary documents as soon as they come in to the trustee's possession. Land management and title documents are imaged by some county courthouses upon receipt, allowing for immediate access by the public. Through imaging, documents can be easily accessed, shared, and transferred.
- e) Tracking systems are used in land management industries to monitor the timely receipt of income from land interest royalties. Income produced (or not produced) by assets is tracked on a regular basis, so that under-producing assets can be identified and trends can be analyzed.



- f) Portfolio management activities are regularly monitored within the committee structure of a commercial trust. Formal account investment reviews are performed at regular intervals not to exceed one year. Securities experts, real estate officers and other relevant experts frequently contribute to these reviews as dictated by the Fiduciary's policies and procedures.
- g) Probate industry practices include a personal representative who is responsible for driving the probate of an estate. In most cases the personal representative is also a beneficiary who is compensated for his/her efforts on the decedent's behalf. A proactive personal representative is often cited as one of the key factors of a successful probate. Other relevant probate practices include the availability in most states of abbreviated probate procedures and the current trend towards avoiding probate altogether.

3.3 **DOI Performance Measures**

Performance measurement is an area within the Indian Trust that has received increasing attention from the Department. As part of the recent Trust Reform efforts and initiatives, much is planned for this area. In this section, the performance measures, metrics, and reporting mechanisms currently used by DOI to measure and monitor the performance of the Department's Trust functions are presented. In addition to describing how Trust performance is measured today, future plans in this area are also discussed.

In developing this section, the EDS team used the following sources as input:

- a) **The September 2002 draft *Comprehensive Trust Management Plan*** – The EDS team reviewed and discussed the Plan with DOI executives to identify initiatives related to performance management.
- b) **Regional Work Sessions** – As a part of the As-Is Trust Business Modeling effort, process sponsors and EDS facilitators captured metrics currently used within DOI to measure performance.
- c) **DOI's FY 2003 Annual Performance Plan and FY 2001 Annual Performance Report** – The EDS team reviewed the annual plan and report to understand what performance measures have been collected for compliance with the Government Performance and Results Act (GPRA).
- d) **DOI Executive Interviews** – Executive and senior level DOI representatives gave their leadership perspectives on Indian Trust performance management needs and described existing measurement and reporting mechanisms.

Performance measurement information from each of these sources is presented in the pages that follow.



3.3.1 *Comprehensive Trust Management Plan*⁷

As part of the renewed focus on Trust Reform, DOI's Office of Indian Trust Transition (OITT) distributed a draft of the *Comprehensive Trust Management Plan* in June 2002. The Plan includes in its stated objectives the development, maintenance, and use of clear performance measures to manage Trust operations and assess performance. DOI intends to develop performance measures for the strategic goals and objectives identified in the Plan, and use these measures as a way to monitor performance and manage the Department's Trust responsibilities. At the time of this study, these performance measures were not yet developed by the Department. This effort will be critical to strengthening Trust operations, by regularly identifying and communicating areas of strength and weakness in the fulfillment of the Department's Trust responsibilities.

The six strategic goals included in the Plan are listed below. The Department has 32 objectives that correspond with the goals, and as stated earlier, will be developing performance measures to associate with the objectives.

Strategic Goal 1: *Beneficiary Services.* Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

Strategic Goal 2: *Ownership Information.* Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Strategic Goal 3: *Land and Natural Resource Assets.* Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.

Strategic Goal 4: *Trust Fund Assets.* Manage Trust fund assets consistently with legal and fiduciary responsibilities ensuring timely and productive use of the assets.

Strategic Goal 5: *Indian Self-Governance and Self-Determination.* Encourage and support compact and contract opportunities associated with Trust management to promote Indian self-governance and self-determination.

Strategic Goal 6: *Administrative Services.* Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI Trust management responsibilities.

3.3.2 Regional Work Sessions

Through work sessions with BIA regions, the As-Is team captured available process metrics (and/or estimates) for each of the eight Trust processes. Regional subject matter experts were asked to consider process-specific metrics such as duration of an activity, wait times, volume, staffing numbers, percent rework, satisfaction, etc.

⁷ This section makes reference to the June, 2002 draft version of the document previously titled the *Indian Trust Business Plan* and currently titled the *Comprehensive Trust Management Plan*. Revisions to the document continued throughout 2002 and a final draft of the report was issued February 20, 2003.



The following table represents an accumulation of all metrics found. However, they are not utilized at all field locations, nor in many cases aggregated at the Department level.

Table 3.3- 1 Current Metrics Reported for Each Process Area

Process	Available DOI Metrics
Probate	<ul style="list-style-type: none"> • Number of reported deaths • Number of cases in case preparation • Average length of time for case preparation • Number of cases in adjudication • Average length of time for adjudication • Number of cases awaiting closing • Average length of time for awaiting closing • Total caseload by Region
Title	<ul style="list-style-type: none"> • Number of fee to Trust acquisitions currently in progress • Number of Trust to Trust transactions currently in progress • Number of Trust to fee disposals currently in progress • Number of rights of way agreements currently in progress • Number of service line agreements currently in progress • Number of mineral access agreements currently in progress • Number of easement agreements currently in progress • Number of documents recorded per year • Number of Title Status Reports requested • Length of time to process document requests • Length of time to produce title reports • FTEs
Beneficiary Services	<ul style="list-style-type: none"> • Length of time to respond to service requests or inquiries (walk-ins, written, phone) • Number of account changes made/month • FTEs • Number of backlogged requests • Percentage of transactions per month requiring rework • Capacity • Number of “whereabouts unknown”
Appraisal	<ul style="list-style-type: none"> • Length of time from date request received by Regional Appraiser to appraisal transmitted • Number of real property appraisal requests received annually • Number of real property appraisal requests waiting to be processed • Percent of requests returned for additional or updated information • Number of real property appraisals annually • Number of consultations conducted annually • Number of annual market studies • Number of grazing studies • Full time staff equivalents performing appraisals per Region • Number of annual self-contained (full) appraisals • Number of annual summary appraisal reports • Number of annual restricted appraisal reports • Number of annual full appraisal reviews • Length of time to complete an appraisal review



Process	Available DOI Metrics
	<ul style="list-style-type: none"> • Full time staff equivalents performing appraisal reviews per Region • Number of appraisals requiring rework or modification after review • Number of contract appraisals requiring rework or modification after review • Number of rejected contracted appraisals • Number of times expert testimony provided
Surface Asset Management	<p><u>Agricultural-Leasing</u></p> <ul style="list-style-type: none"> • Length of time to complete an Ag-leasing tract use plan • Frequency of stipulations performed • Frequency of appraisals performed • Length of time to issue 90-day notices • Length of time to compile results from 90-day notices • Length of time to obtain consent for Ag-leasing • Length of time to negotiate Tribal use Ag-leasing before expiration • Length of time to conduct Ag-leasing bid process • Length of time to negotiate Ag-leasing • Length of time to document Ag-leasing tract inactive status • Length of time to assemble Ag-leasing package • Length of time to prepare pre- Ag-leasing billing • Length of time to collect pre- Ag-leasing payments • Length of time to perfect Ag-leasing • Renewal rate • Length of time to prepare Ag-leasing operational billing • Percent rework of Ag-leasing operational billing • Length of time to collect Ag-leasing operational payments • Percent rework of Ag-leasing operational payments • Length of time to modify Ag-leasing contract • Length of time to perform collections reconciliation • Length of time to perform distribution reconciliation • Distribution error rate • Length of time of compliance monitoring • Percent of required inspections and compliance reports formally performed • Percent of non-compliance issues are escalated to enforcement activities • Percent of leases where enforcement requests made • Length of time to close Ag-leasing • FTEs <p><u>Forestry</u></p> <p>For most subprocesses, the metrics below were reported. A complete listing of the metrics collected can be found in Appendix K.</p> <ul style="list-style-type: none"> • Elapsed time • Average volume • FTEs <p><u>Long-Term Lease</u></p> <p>For most subprocesses, the metrics below were reported. A complete listing of the metrics collected can be found in Appendix M.</p> <ul style="list-style-type: none"> • Elapsed time • Volume data for each type of lease: tribal residential, tribal commercial, allotted residential and allotted commercial. Volume was measured by the number of leases



Process	Available DOI Metrics
	<p>let per year, and in one subprocess, by the number of applications per year.</p> <ul style="list-style-type: none"> FTEs <p><u>Range</u></p> <ul style="list-style-type: none"> Length of time to refine range Trust stipulations Frequency of stipulations Frequency of appraisals Minimum rental rate and stocking rate Length of time to refine Tribal grazing resolution Work effort to refine Tribal grazing resolution Length of time to concur with Tribal grazing resolution Work effort to concur with Tribal grazing resolution Average number of grazing resolutions/year Length of time to obtain range unit owner consent Percent rework of range unit owner consents Number of landowner interests in each region Number of consent letters sent out yearly Response rate from landowners, monetary interest owners (replying to consent notice) Length of time to perform Tribal allocation of range units Length of time to conduct range unit bid process Length of time to negotiate range unit permit where permit is about to expire Percent rework for negotiating range unit permit where permit is about to expire Error rate in maintaining range unit inventory Length of time to finalize range unit permit Permit renewal rate Length of time to perform pre-range unit permit billing Percent rework of pre-range unit permit billing Length of time to approve range unit permit Length of time to collect range unit operational payments Percent rework of range unit operational payments Length of time to complete reconciliation of TFAS errors Length of time to modify range unit permits Length of time to reconcile collections Number of reconciliations per month Length of time to distribute reconciliations Percent rework of reconciliations Length of time to conduct range unit compliance inspections Length of time to resolve compliance issues Number of range unit compliance issues resolved Percent of required inspections and compliance reports that are formally performed Percent of non-compliance issues escalated to enforcement activities <p><u>Water</u></p> <ul style="list-style-type: none"> Length of time to release request for proposals (RFPs) from central office to agencies and Tribes Number of agencies and Tribes notified of the RFP FTEs associated with notification process Number of proposals submitted by agencies and Tribes



Process	Available DOI Metrics
	<ul style="list-style-type: none"> • Length of time to develop and rank proposals • FTEs associated with developing and ranking proposals • Length of time to support national ranking meeting • Number of FTEs involved with national ranking meeting • Number of Tribal proposals approved • Number of agency proposals approved • Duration of projects • Number of FTEs involved in projects
Subsurface Asset Management	<ul style="list-style-type: none"> • Number of hours spent per mineral needs assessments grant application for mineral needs assessments • Length of time for Tribal Office review and concurrence of mineral needs assessments grant applications • Length of time to complete mineral needs assessments • Number of mineral needs assessments per year • Length of time to conduct pre-lease activities • Number of days to review an Indian Mineral Development Act (IMDA) agreements • Number of IMDA agreements per year • Advertising costs • Number of individual tracts per lease sale • Length of time from date of mineral appraisal request to non-certified valuation transmitted. • Annual number of non-certified mineral valuations. • Length of time to issue a lease • Average number of leases issued per year • Number of bids per advertisement • Number of tracts available for lease • Number of active leases • Length of lease • Production verification backlog • Number of on-site inspections per year • Length of time for drainage/diligence review • Length of time to process Applications for Permit to Drill (APD), Sand and Gravel permits (S&G), and Uranium leases • Number of APD and S&G permit requests per year • Length of time to conduct S&G reclamation • Number of reclamations per year • Number of closedowns per year • Number of cancellations per year • Tons/year of S&G • Value of S&G per site • Number of post-lease administrative actions per year • Length of time to conduct a lease cessation action • Length of time to conduct bond release process • Number of bond releases per year • Number of replacement bonds per year • Number of bonds called per year • FTEs



Process	Available DOI Metrics
Accounting Management	<ul style="list-style-type: none"> • Checks received by BIA deposited or forwarded to OST for deposit within 24 hours • Checks received by OST deposited within 24 hours • Total number of IIM accounts • Open Accounts <ul style="list-style-type: none"> ○ Individual Accounts ○ Special Deposit Accounts ○ House Accounts ○ Foreign Accounts ○ To-Be Investigated Accounts ○ BIA To Investigate Accounts ○ Other Accounts ○ Total Open Accounts • Closed Accounts <ul style="list-style-type: none"> ○ Duplicate Account numbers • Overdrafts <ul style="list-style-type: none"> ○ Overdrafts in Individual Accounts ○ Overdrafts in Special Deposit Accounts ○ Overdrafts in House Accounts ○ Overdrafts in Foreign Accounts ○ Overdrafts in To-Be Investigated Accounts ○ Overdrafts in BIA To Investigate Accounts ○ Overdrafts in Other Accounts ○ Total Overdrafts • Estates <ul style="list-style-type: none"> ○ Unofficial Death Notification ○ Official Death Notification ○ Sent To Probate ○ Probated ○ Summary Probate ○ Insufficient Funds to To Pay Claim ○ Lake Fund Principal ○ Total Estates • Non-Indian Accounts (“Alpha X”) • Tribal “T” Accounts • Individual Accounts w/invalid or no SSN • Whereabouts Unknown <ul style="list-style-type: none"> ○ Correspondence/Check Returned ○ Account Setup W/No Address ○ Awaiting Address Confirmation ○ Refused/Unclaimed Mail ○ Total Whereabouts Unknown • Whereabouts Unknown Removed • Whereabouts Unknown Added • Minor Accounts <ul style="list-style-type: none"> • Minor Accounts that appear to be over 18 years of age • Minor Accounts with less than \$100 • Minor Accounts with \$100 - \$250 • Minor accounts with \$250 - \$500 • Minor Accounts greater than \$500



Process	Available DOI Metrics
Cadastral Survey Services	<ul style="list-style-type: none"> • Number of formal survey requests to BLM and non-BLM sources • Number of informal survey requests to BLM and non-BLM sources • Time spent in the BLM Public Room • Number of consultations (to include tribal and public meetings) • Target accomplishments: Number of miles and projects in queue • Cost of surveys (hours and dollars) • Number of surveys conducted • Duration of surveys (cycle time) • Duration of survey consultations (something other than an official cadastral surveys) • Miles of original surveys and miles of re-surveys • Number of acres surveyed • Number of monuments set • Number of plats developed • Township information collected for GCDB system • Caseload, acreage, and surface leasing information (As reported in the Annual Report of Indian Lands)

3.3.3 Annual Performance Plan and Report

As required by GPRA, DOI produces an annual report addressing the prior year's performance and the performance plan for the following year. The EDS team has reviewed DOI's FY 2003 Annual Performance Plan and FY 2001 Annual Performance Report.

In the BIA section of the report, a Trust Services mission goal is included as one of BIA's seven mission goals for 2003. The goal is to, "Ensure the Trust responsibility to protect and preserve Trust lands and Trust resources." There are six long-term goals to support this mission, each with corresponding performance measures and FY 2003 performance targets. These goals, measures, and targets are found in the following table. Goal 2.7.4 and 2.7.6 are directly related to the eight core Trust processes making up the As-Is model.

Table 3.3- 2 GPRA Goals and Objectives

Trust Services GPRA Program Activity			
Goal Title and Reference Number	Long-term Goal Description	Performance Measure	FY 2003 Performance Goals
2.7.1 American Indian Trust Evaluations	The Bureau will ensure that obligations under the Federal Indian Trust responsibility are performed in accordance with the standards required by the laws and governmental policies of the United States.	Number of Trust evaluations performed (of compact Tribes, by the Office of American Indian Trust)	The Office of American Indian Trust (OAIT) will perform 70 trust evaluations.



Trust Services GPRA Program Activity			
Goal Title and Reference Number	Long-term Goal Description	Performance Measure	FY 2003 Performance Goals
2.7.2 Administration of Water and Land Claims	By 2005, the Bureau will provide assistance to Tribes in establishing and defining water and land claims, Tribal Trust resources, and Indian rights protection.	Number of Tribes assisted to procure technical services and legal counsel in support of water and land claims and the protection of Trust and cultural resources	The Bureau will assist 63 Tribes by procuring defense services or private counsel in support of water and land claims and the protection of Trust and cultural resources.
		Number of teams funded to perform negotiation and settlement of land and water rights claims	The Bureau will fund 20 Departmental teams involved in land and water quantitative negotiations and implementation of Indian land and water rights claims.
		Number of project proposals funded	The Bureau will fund 82 project proposals for technical research and studies.
2.7.3 Improve the Conditions for the Environment	By 2005, the Bureau will improve conditions for the environment and endangered species in Indian Country.	Cumulative number of Bureau and Tribal employees trained	The Bureau will train an additional 550 Bureau and Tribal employees in the areas of environmental management and endangered species preservation for a cumulative total of 3,558 trained
		Cumulative number of Bureau locations at which compliance assistance audits are performed and corrective actions are undertaken	The Bureau will conduct compliance assistance audits and perform corrective actions at an additional five Bureau offices for a cumulative total of 40 audits conducted.
		Number of Tribes to which the Bureau provides technical or financial assistance	The Bureau will provide technical or financial assistance to 100 Tribes in the areas of environmental management and endangered species preservation.



Trust Services GPRA Program Activity			
Goal Title and Reference Number	Long-term Goal Description	Performance Measure	FY 2003 Performance Goals
2.7.4 Increased Trust Transactions, Probate Cases and Cadastral Surveys	By 2005, the Bureau will facilitate the growth of Trust income through an increase in the efficient processing of Trust transactions, the timely processing of probate, cases, and by providing for Cadastral Surveys of Tribal and individual Indian landowners and land boundaries	1. Number of annual Trust transactions 2. Number of probate cases processed 3. Number of miles surveyed 4. Number of survey monuments set	The Bureau will facilitate the growth of Trust income by processing 42,000 Trust transactions for Tribal and individual Indian landowners, increasing the number of probate cases processed to 3,200, and increasing the boundary designation of Trust lands to 3,214 miles and 5,080 monuments.
2.7.5 Increased Energy Savings	By 2005, the Bureau will increase energy opportunities within Indian Country and improve the processing time for leasing agreements	1. Report of energy opportunities has been developed 2. Impediments to energy leasing have been identified	In FY 2003, the Bureau will assess energy opportunities on Indian lands and identify impediments to the timely processing of energy leasing.
2.7.6 Not titled, but related to Trust Reform	By 2005, the Bureau will implement the Trust reform objectives assigned to the Bureau by the Department, as amended by reports to the Court.	Percentage of objectives met	The Bureau will meet the Trust reform objectives to be completed in FY 2003.

3.3.4 DOI Executive Interviews

The EDS team conducted interviews with executive and senior level DOI representatives to understand the leadership perspective on Indian Trust performance measurement. Leaders were asked how Trust processes are measured today, the types of measurement information they receive regularly, and how they would like to see Trust processes measured and reported on in the future. The draft goals and objectives of the *Comprehensive Trust Management Plan* were used as discussion points throughout most interviews.

Overall, leaders concurred that more measurement of Trust processes is warranted. The *Comprehensive Trust Management Plan* was seen as a start to this effort; DOI's plans to develop measures for each strategic goal were discussed. In some critical areas (such as beneficiary services), leaders indicated that no comprehensive measures were in place on a Trust-wide basis nor consistently applied. In other areas, such as Indian Self-Governance and Self-Determination, the measures that were in place did not provide useful management information, but were instead transaction based.



Leaders recommended developing comprehensive, integrated Trust management reports available widely to all levels of management. Several commercial practices and measures were recommended, such as Trust Officers, OCC-like rating scales, a call center, target setting, and better tracking of asset value and performance (such as return on assets). In addition, leaders recognized training, workforce planning and education as critical to Trust Reform. Finally, leaders acknowledged the need to move away from transaction-based measures (such as Number of Trust Evaluations) and move towards more meaningful measures describing quality and efficiency.

Highlights of the specific measurement comments and recommendations received are found in the following table:

Table 3.3- 3 DOI Executive Interview Results

Topic	Recommendations
<i>Overall Trust Management Information, Measures, & Reports</i>	<p>Move towards comprehensive, integrated Trust management reports. Reports should be available to management, including Superintendents.</p> <p>Timeframes should exist, but be realistic.</p> <p>Build quality into the measures and move away from production-oriented measures.</p>
<i>Beneficiary Services</i>	<p>Implement a call center capability to receive initial calls and forward to the appropriate Trust Officer. Track and measure number of calls received, what the calls were in reference to, reoccurring issues, length of time to resolve, etc.</p> <p>Measure beneficiary service at the point-of-service – provide “beneficiary evaluation of service” cards beneficiaries can complete immediately after receiving a Trust-related service</p>
<i>Ownership Information</i>	Track transactions such as number of titles recorded and transfer of titles.
<i>Land and Natural Resource Assets</i>	<p>Implement more monitoring/reviewing of asset portfolios, including land use. Know the value of land assets.</p> <p>Identify land that is not income producing and document reason for this status. Have Trust Officers develop plans to better utilize the land.</p>
<i>Appraisals</i>	<p>Develop measures that will help to predict and plan for appraisal times.</p> <p>Look at the number of pending Trust transactions in the agencies. The number of Trust transactions should be close to the number of appraisals conducted.</p>
<i>Trust Fund Assets</i>	<p>Use an OCC type rating scale to measure performance of each agency in the field. Evaluate whether they are meeting their fiduciary roles, what material weaknesses exist, and other financial and Trust responsibility issues.</p> <p>Set benchmarks and targets for revenue and rates of return. DOI should hold themselves to agreed-upon benchmarks and produce monthly reports indicating how they are doing.</p>

Topic	Recommendations
<i>Indian Self-Governance and Self-Determination</i>	<p>Develop more specific self-governance contracts that are more closely reviewed and monitored. Contracts should establish standards by which Tribes should be held accountable, with corrective action plans developed for those in the lower performance categories.</p> <p>Measure performance by return on assets for BIA as well as compact Tribes. Compact Tribes should be held accountable to the same types of measures as BIA.</p> <p>The measure used today to monitor performance of OAIT is the number of Trust evaluations. This really doesn't measure OAIT's performance. For OAIT, consider other measures such as: How many findings of imminent jeopardy? How long did it take to resolve these? Developing appropriate measures may be difficult due to the fact that judgment is involved.</p>
Administrative Services	<p>Training and education is key to fixing Trust operations. Need to develop a long-term strategy and objectives for Trust training. Develop the curriculum, hire faculty, and determine measures of success. Measures should include quality, capability, and motivation of Trust employees – and whether they see themselves as Trustees.</p>

3.3.5 Conclusions

Through work sessions and interviews with Trust employees and executives, the EDS team has drawn the following conclusions around current measurement practices:

- Collection of metrics varies by location and by process area. A comprehensive, consistent approach to performance measurement does not exist within the current Trust environment.
- A centralized reporting mechanism does not exist to measure important outcomes of Trust processes.
- Many of the existing measures are transaction-based and do not truly measure the performance of a process or of the Department's success in meeting their fiduciary duties.
- Uniform record keeping and supporting systems are not in place to easily capture and monitor meaningful performance information.
- Some of the metrics collected today have inconsistent definitions and are not always collected in a consistent manner. This makes compiling national information and comparing regions difficult.

The collection and analysis of performance related information represents a significant undertaking for large Trust organizations. As DOI moves to implement performance measurement activities in the Indian Trust environment, each of the eight process areas that comprise the As-Is Model must be carefully studied to determine if they are the correct core processes and relevant metrics and realistic benchmarks must be established. Surveys should also be distributed to beneficiaries and customers to measure satisfaction with Trust processes.

It will be important to implement consistent performance standards throughout the Department. This should include identifying bottlenecks both within and among processes. Once these performance standards are defined, consistent data must be reviewed at regular intervals to



monitor performance over time. Commercial trusts frequently maintain centralized scorecard systems and data warehouses to facilitate the analysis and reporting of performance data, and publish annual reports to compare the performance of the past year to the stated objectives and targets.

Developing meaningful measures that can be collected easily, consistently, and on a regular basis. This will in many process areas be a challenge. The Indian Trust involves a high degree of real estate transactions such as appraisal, survey, and title. Even industry leaders in these areas struggle to develop effective outcome measures. Measures are difficult to develop because timeframes for these activities vary widely depending upon the size, nature, and complexity of the property. Instead, the private sector often focuses on industry standards for service and quality. In many cases, the outcome measure is a financial target – such as profit or revenue. Since BIA's mission does not involve making a profit from conducting appraisals and surveys or transferring titles, this type of financial target does not apply.

As described earlier, currently there are significant barriers within the Department to collecting and analyzing performance data. The key to developing an effective measurement program for the Indian Trust will be to develop key outcome-oriented measures for each process area that are reported regularly in a comprehensive Trust management report. The measures should not be transaction based, but truly illustrate the current success or failure of the process area in meeting the fiduciary responsibilities of the Department.

4 As-Is Trust Business Model

4.1 Introduction

This chapter provides a detailed look at the eight core Indian Trust business processes. It includes descriptions and IDEF Models of each of the eight core Trust business processes that comprise the As-Is Trust Business Model, as well as variances as identified in work sessions conducted across BIA Regions. Also included is a graphical representation of the complex inter-relationship between the eight processes and a chart reflecting the regions or areas that perform the eight processes.

4.1.1 Navigating the Chapter

The intent of Chapter 4 is to provide a comprehensive, in-depth picture of the Trust business processes and how they operate. The information is presented in the following sections:

- Section 4.1.2** The approach the team followed to develop the As-Is Trust Business Model baseline and to document the regional variances.
- Section 4.1.3** An explanation of the terms used in describing the process IDEF models. Explanation of the symbols used in the models can be found in **Appendix E**.
- Section 4.2** A foldout page with a graphic representation of the complex inter-relationship between the eight core Trust business processes.
- Section 4.3** A business location matrix indicating where the high-level steps of each of the eight core processes are performed.
- Section 4.4** The 8 core Trust business processes. **Figure 4.1-1** below explains how the As-Is Team segmented the activities and functions of a process, and similarly, how Section 4.4 of the chapter is organized. The detail level of each process varies due to the complexity and scope of the process.

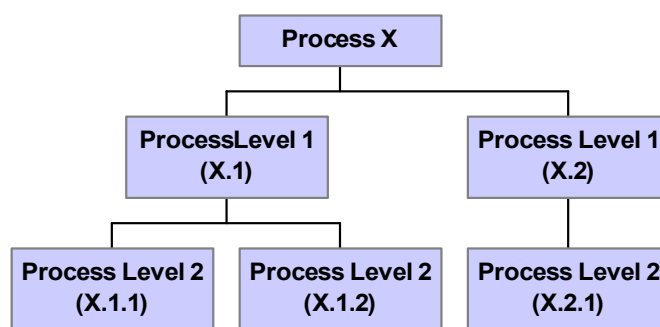


Figure 4.1-1 Process Hierarchy

Each process level segment includes descriptions and IDEF models. At the highest level of the hierarchy, process objectives, beneficiary involvement and significant notes containing information helpful to the reader's understanding of the process are also included. The process segment ends with a table of regional

variances collected during the work sessions. Information contained in the tables includes:

1. Areas in the region that are affected by the variance; for example, an agency, a Tribe or region-wide
2. IDEF category to which the variance applies
3. Variance description
4. Reason that the variance occurs; for example, a system constraint, a procedure or a law
5. Positive or negative impact of the variance on the process baseline
6. Degree of impact the variance has on the process
7. Degree of difficulty to change the variance

Additional information about the processes and the regional variances is available on the CD accompanying this report. There are also a significant number of acronyms included in the chapter. Their definitions can be found in the **Appendix A**.

4.1.2 Approach

A draft baseline of the As-Is Trust Business Model was developed as part of the Baseline Model Workshop conducted in Albuquerque, New Mexico in April 2002. That baseline, further refined by on-site interviews in Aberdeen SD and Billings Mt., was published as Baseline Version 1 in June 2002. Additional enhancements to the baseline from BIA Regions, OST/OTFM, other DOI agencies and Tribal variations were captured during ten subsequent Regional work sessions.

For each regional work session, the process documented and the conclusions reached by the As-Is team were based on information provided by the participants who attended the sessions. During the work sessions, the baseline model for each core trust business model was reviewed, analyzed and commented on by the participating DOI and Tribal staff responsible for performing the trust function. All variations from the As-Is baseline models were recorded and the reason for the variance was detailed. As the work sessions were completed, and understanding of the process evolved, some of the process steps originally captured as Regional variances were changed to baseline enhancements and vice versa. After the documentation was completed, the enhancements and variations to the baseline model were made available to the Tribal experts and work session participants for review, validation and comment.

Figure 4.1-2 depicts the sequence of work sessions conducted and the evolution of the As-Is baseline and its regional variances.

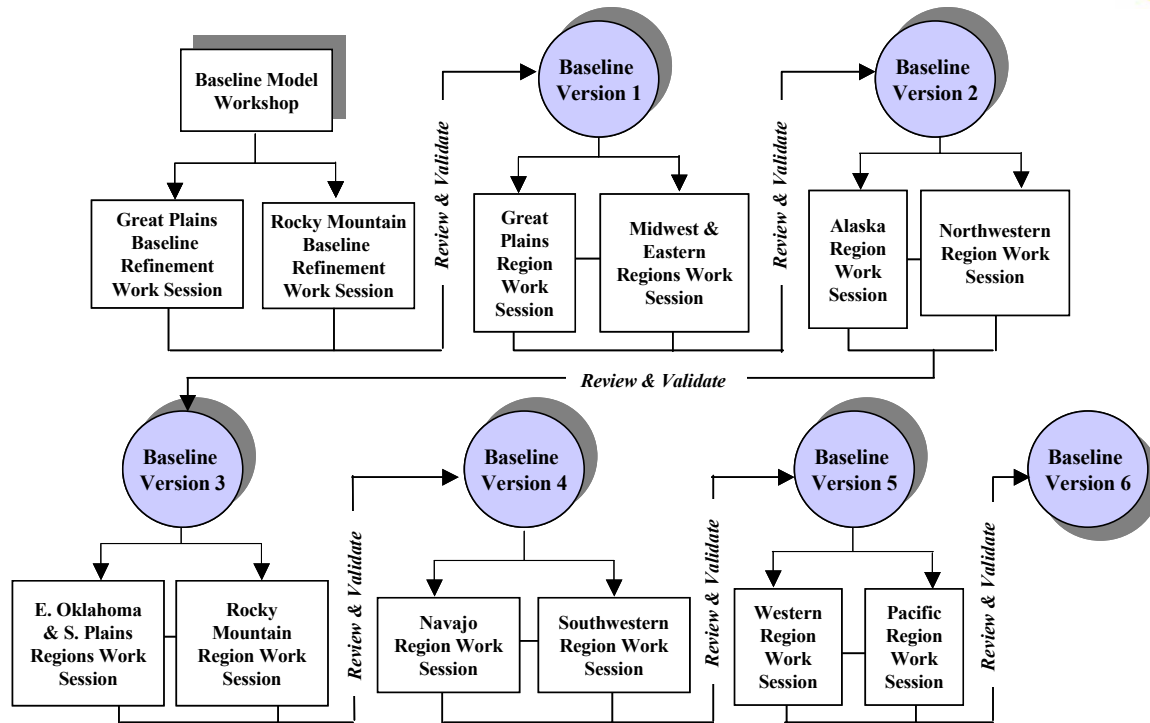


Figure 4.1-2 As-Is Baseline Versions

4.1.3 Explanation of Terms

The detailed functional steps or activities that aggregate to define a Trust process are explained in this chapter by a written description and an IDEF 0 model which graphically depicts the activity by its inputs, outputs, controls, events, obligations and mechanisms. **Figure 4.1-3** below defines the terms and the format of an IDEF 0 model.

Event	An occurrence external to the process that causes the activity to begin.
Input	Information or material that is used and/or transformed by an activity.
Output	Information or material that is produced by an activity.
Obligation	A legal and fiduciary requirement that impact the activity.
Control	A regulator, such as a policy of procedure, that ensures the activity complies with obligations.
Mechanism	An automated or paper-based system that supports operation of the activity.

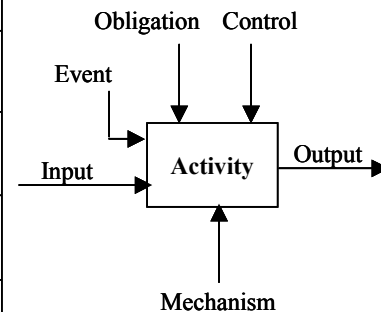
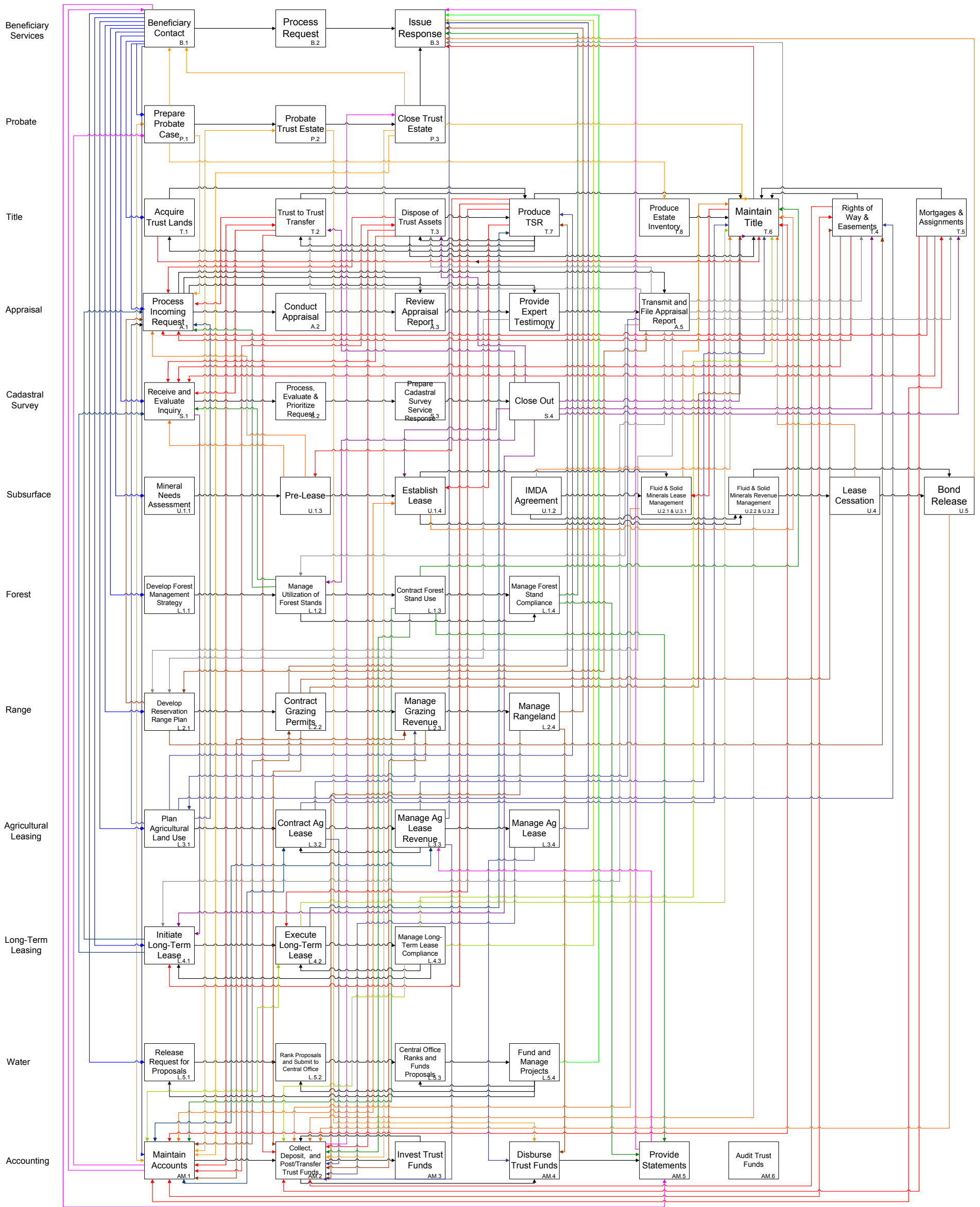


Figure 4.1-3 IDEF (0) Terminology and Format



4.2 Overview of the Indian Trust Business Model

The As-Is Trust Model is complex and complicated. The eight business processes have significant inter-relationships and require coordination as the following diagram illustrates. The processes also flow across organizational boundaries, which adds more complexity and possible conflict that can slow down the delivery of services to the beneficiaries. See **Figure 4.2-1 As-Is Trust Business Model Process Inter-Relationship** on the following page.



High-Level Process Inter-Relationships



4.3 Business Process Description and Variances

4.3.1 Probate (P)

4.3.1.1 Probate Summary Process Description

The overall process starts with: Receive a notification of death or
Receive a request for presumption of death.

It ends with: Distribute trust assets to heirs, devisees and claimants.

Probate is the process by which a decedent's Trust assets and liabilities are identified and distributed, in accordance with Tribal, State and federal probate code, to heirs, devisees and claimants. It begins with a notification of death and includes three major activities:

- a) Prepare Probate Case: describes the activities required to verify the death of a beneficiary, create a complete and accurate estate inventory, identify all potential heirs and determine whether the case can be adjudicated by the BIA or must be referred to the OHA

A timely and efficacious probate process is essential to the Department's ability to maintain a current and accurate record of ownership and monetary interest in Trust properties and the encumbrances affecting those properties. The DOI's current practice is to ensure the completeness and accuracy of estate inventories and family information by spending the time required to obtain all relevant information. This process may occasionally take years to complete, especially when the decedent owns Trust interests in other regions or when potential heirs include adoptive children or individuals whose whereabouts are unknown. During this period, the BIA assumes complete responsibility for maintaining the estate and determining which leasing, permitting and other land utilization programs are appropriate for the estate properties.

- b) Probate Trust Estate: describes both the informal and formal probate procedures, together with the Probate appeals procedure and the process by which Tribal requests to purchase decedent Trust interests

Informal probate proceedings are adjudicated by the BIA; formal proceedings are held by the OHA. Both organizations apply the same principles in determining what statutes govern the distribution of properties. Where Tribal probate codes have been approved, that code takes precedence over state and federal probate statutes. The BIA and the OHA, however, governed by separate federal regulations and policies, may result in different distributions of Trust interests and monies even when the same probate code is applied.

- c) Close Trust Estate: defines the procedures required to distribute the decedent's Trust assets among heirs, devisees and claimants.

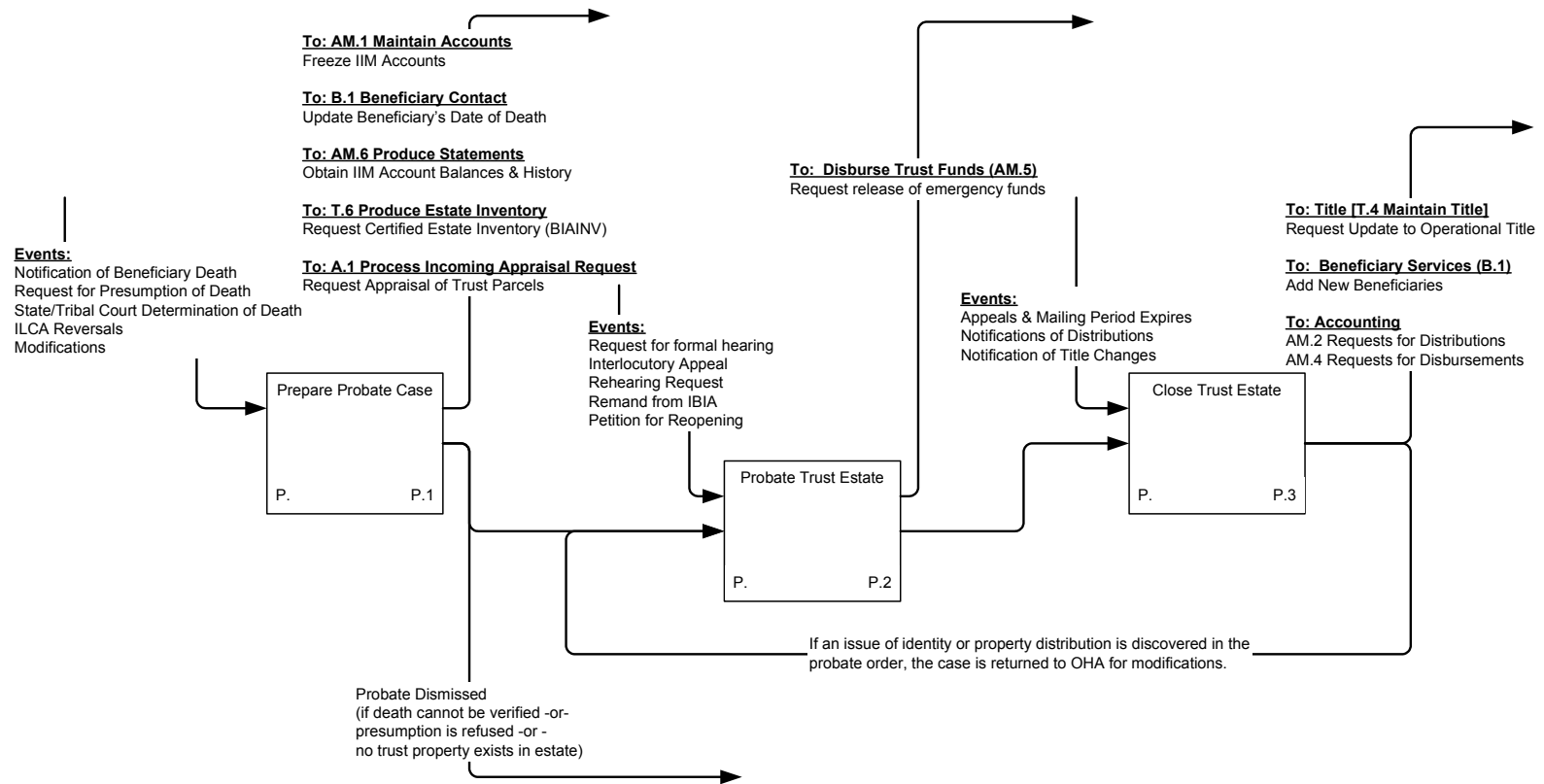


Figure 4.3.1- 1 Probate High-Level Diagram



Probate Objectives

The DOI performs probate for all Trust property (land and money) in order to assure its ability to maintain a current, complete and accurate record of the ownership and monetary interests in Trust, restricted and allotted lands.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to Probate are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

Objective 1.1 Beneficiary Statements

Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.1 Probate and Estate Administration

Consistently prioritize and resolve probate and estate administration cases on a timely basis to meet effectively asset management and beneficiary service requirements.

c) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.1.2 Prepare Probate Case (P.1)

Starts with: Receive notice of death from a knowledgeable party or
Receive request for presumption of death from a family member.
ILCA reversal in which the interest goes to an estate (Youpee escheated interests)
Ends with: Send Probate Package to the Deciding Official.

On initial notice of death the LTRO/TSO and OST/OTFM are notified and decedents Trust assets are placed in estate status. Probate staff takes the steps required to verify the death, obtain a complete and accurate estate inventory, including Trust ownership interests and Trust monies, and identify all potential heirs and devisees of the estate. This information is consolidated into a probate package that will become the record upon which probate decisions are made. When the probate package is complete, criteria identified in 25 CFR 15 are used to determine whether the case will be adjudicated by the BIA or must be forwarded to OHA for a formal hearing. Once the Deciding Official has been identified, the probate package will be forwarded to that individual.

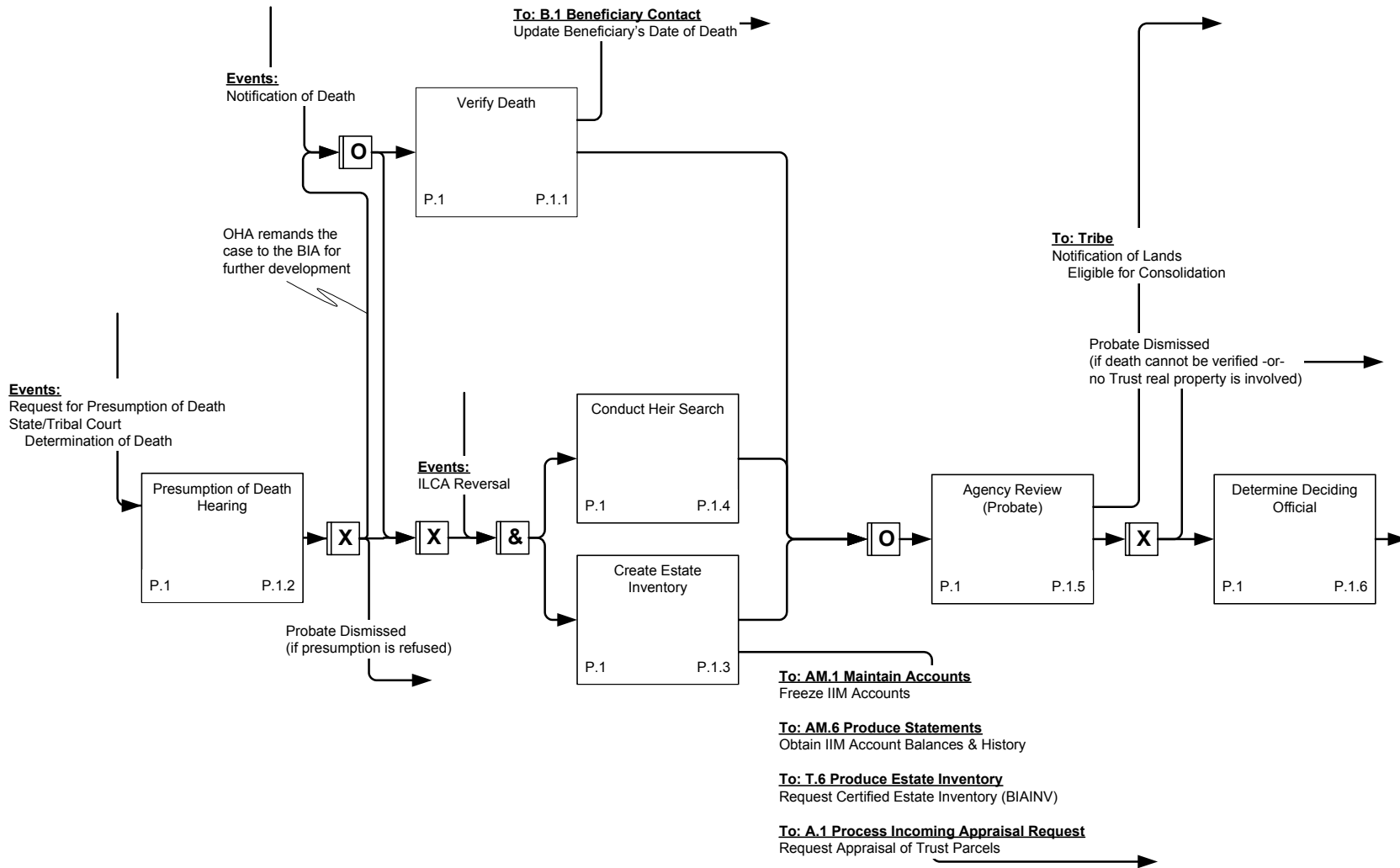


Figure 4.3.1- 2 Prepare Probate Case IDEF(3)



Beneficiary Involvement for Preparing Probate

Beneficiaries are involved by supplying family information required to prepare the probate package. Probably heirs, usually upon notification of a death, provide the will; however it is not unusual to have wills submitted during or after a hearing. When an estate involves a missing heir, family members are interviewed for information that may help locate the missing heir(s).

Prepare Probate Significant Notes

- a) Large numbers of beneficiaries die without a will (intestate).
- b) Many agencies and field offices have a difficult time obtaining documents (especially Tribes compacting and contracting this function) that verify vital statistics and family information from state organizations. Adoption information is especially difficult to obtain (usually requiring a subpoena).
- c) It is difficult to obtain inventory information from other BIA Regions and/or Agencies ("foreign agencies") in a timely manner, increasing the likelihood that probate decisions will have to be modified after they have been executed.
- d) Due to the effort and complexity associated with gathering estate and family information, it frequently takes 18 months or more to prepare a complete and accurate probate package.

Prepare Probate Detail Description

Verify Death (P.1.1)

Starts with: Receive notice of death from a knowledgeable party.

Ends with: Receive certified documentation confirming the death from a family member or outside party.

Upon receipt of a notification of death, the Department takes the steps required to obtain official evidence of death and to prepare the monthly death notice identifying individuals with interests in Trust property, use or income, that have died in the previous 30 days or whose death has not yet been reported.

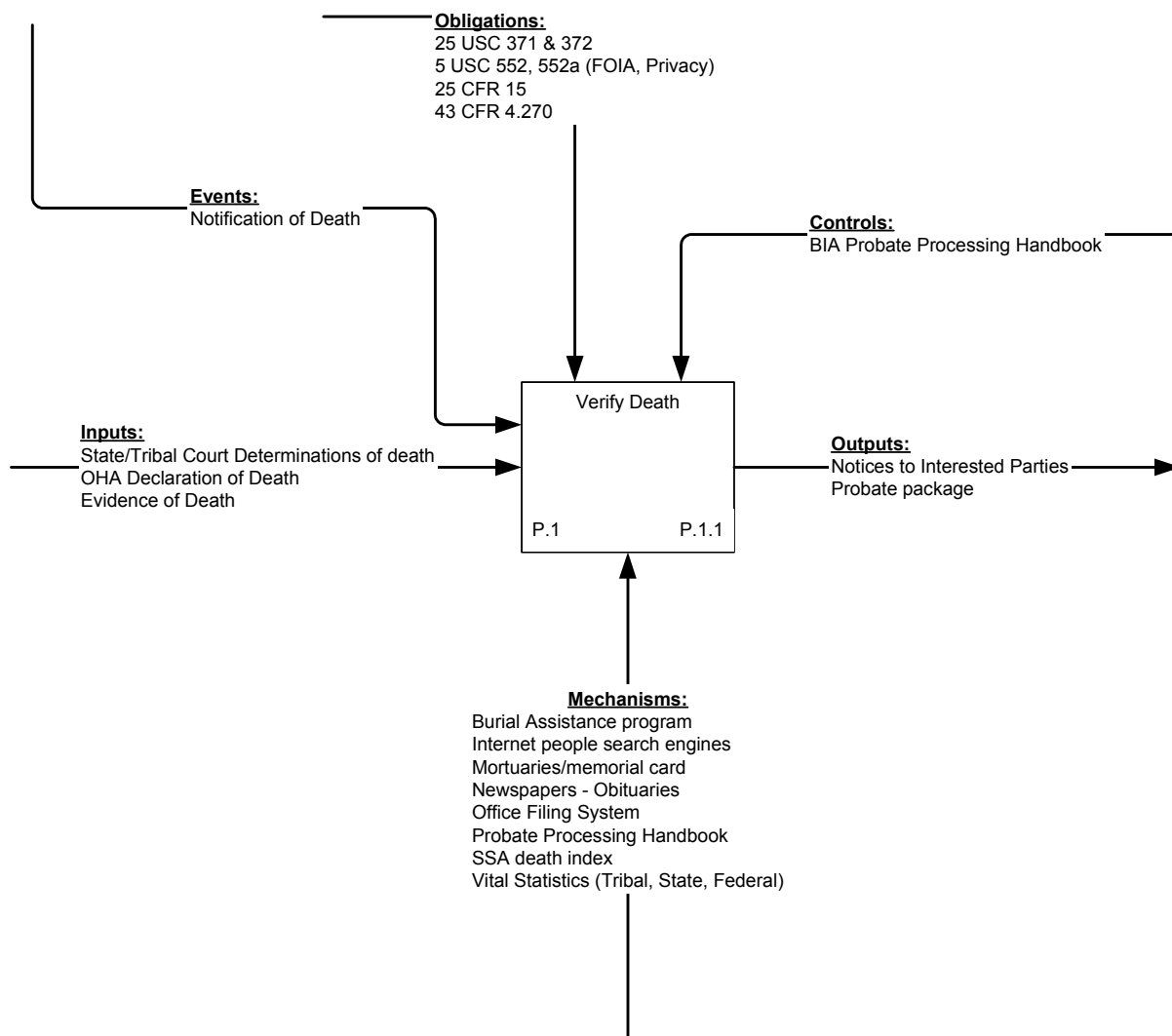


Figure 4.3.1- 3 Verify Death IDEF (0)

Presumption of Death Hearing (P.1.2)

Starts with: Receive request for presumption of death from a family member.

Ends with: Issue order affirming, denying or remanding request to the interested parties.

Family members or probably heirs request a presumption of death hearing for a person, whose whereabouts are unknown and whose absence cannot be explained, that has Trust interest. The probate clerk gathers evidence and forwards the request to OHA for a hearing. The hearing is conducted and the presumption of death may be granted, denied or returned to the originating office for more information.

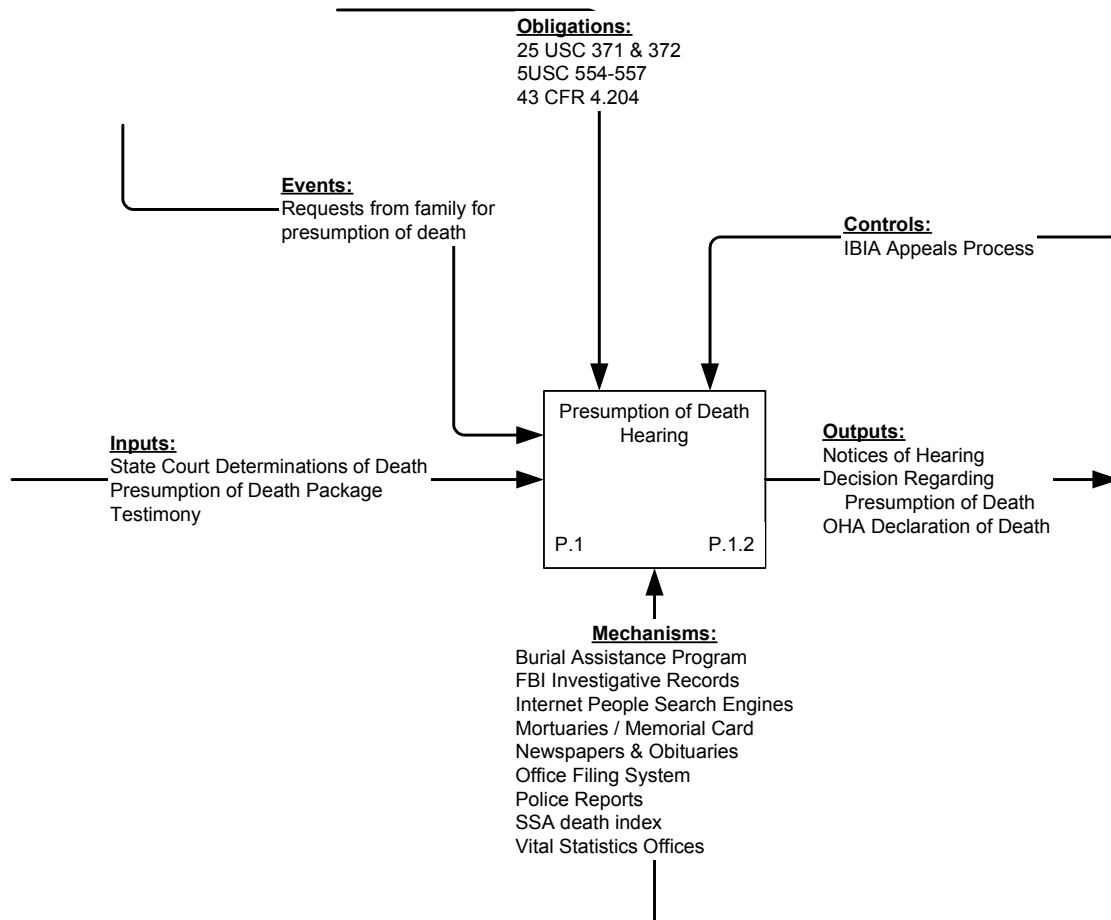


Figure 4.3.1- 4 Presumption of Death Hearing IDEF(0)

Create Estate Inventory (P.1.3)

Starts with: Receive notice of death from a knowledgeable party or
Receive court order presuming death.

Ends with: Update probate package with Trust ownership interests.

A complete and accurate inventory of the decedent's trust interests (real property and monies) is obtained by requesting account balances and histories from OST/OTFM and certified estate inventories from the servicing LTRO/TSO. Creditors are provided with 60 days within which claims can be filed against the estate. This 60-day window begins when the death has been verified via the receipt of a certified death certificate or an OHA-ordered presumption of death.

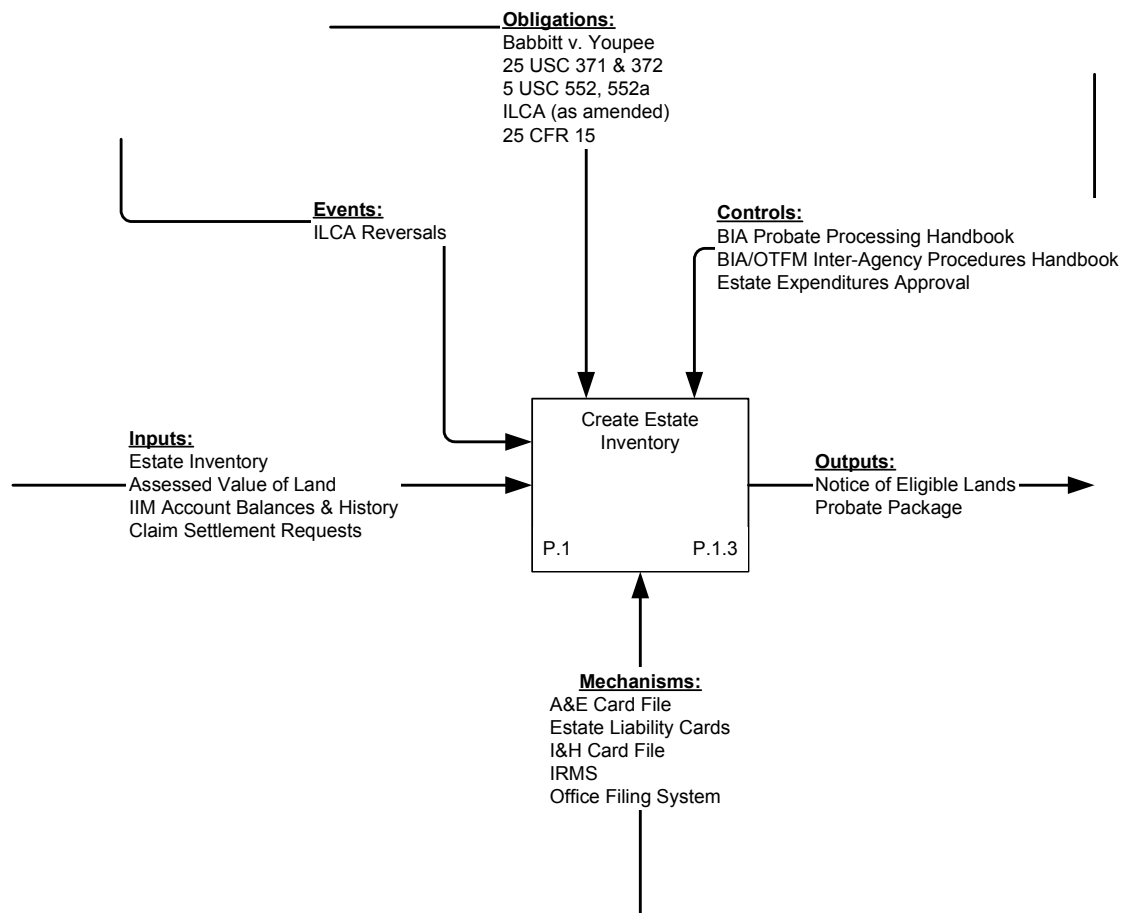


Figure 4.3.1- 5 Create Estate Inventory IDEF(0)

Conduct Heir Search (P.1.4)

Starts with: Receive notice of death from a knowledgeable party or
Receive order presuming death.

Ends with: Update Probate Package with family information.

An heir search attempts to identify all potential heirs and devisees of the decedent. Heirs are spouses, siblings and lineal descendants (or ascendants) that are enrolled or eligible to become enrolled members of a federally recognized Tribe. Devisees are individuals that are named in a will or are otherwise eligible to benefit from the estate.

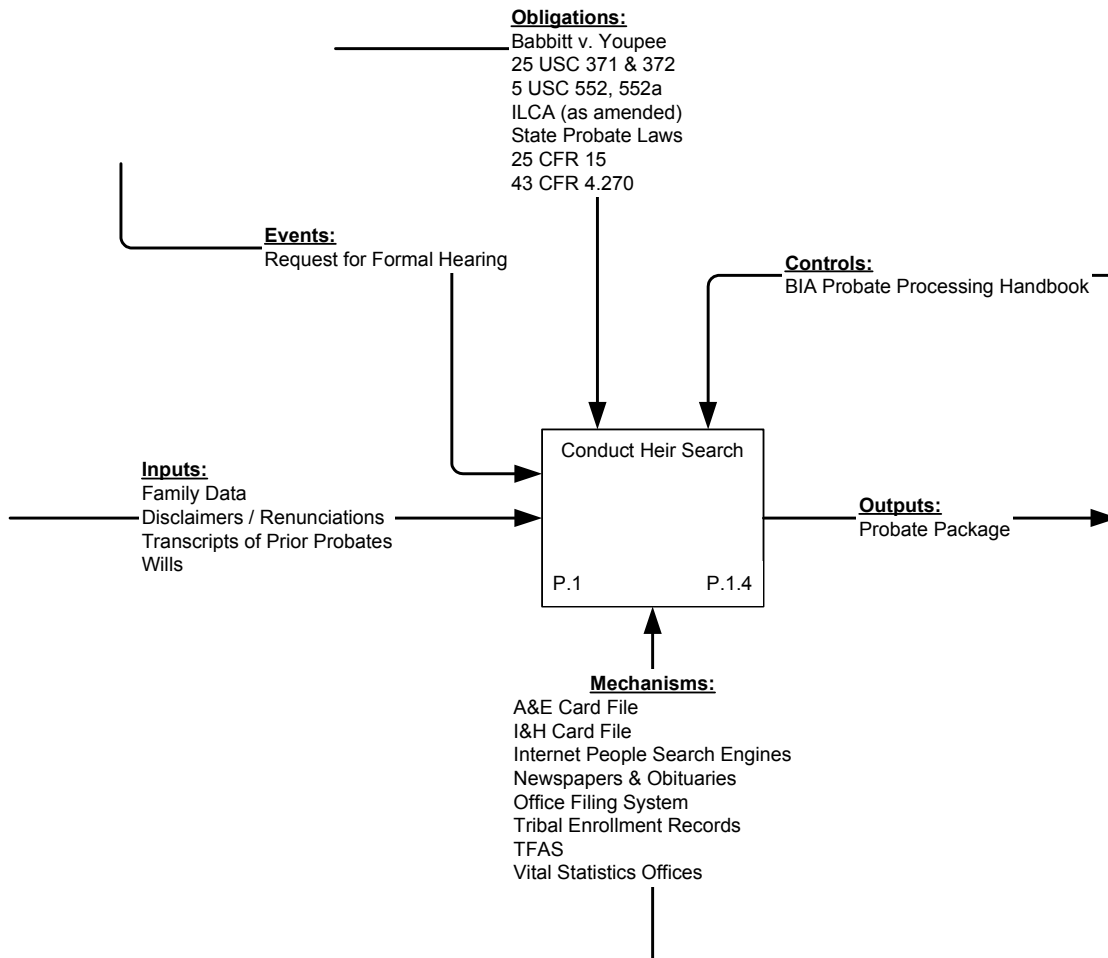


Figure 4.3.1- 6 Conduct Heir Search IDEF(0)

Agency Review (Probate) (P.1.5)

Starts with: Receive probate package from the Probate Clerk.

Ends with: Submit probate package to the Regional Probate Specialist.

Confirmations of death, estate inventory information, heirship information, Tribal resolutions, claims and renunciations are consolidated into a Probate package in the local BIA office. The Probate Package is then reviewed by the local Line Official for completeness prior to submitting the package to the Regional Probate Specialist for a determination as to whether the case will be heard by OHA or BIA.

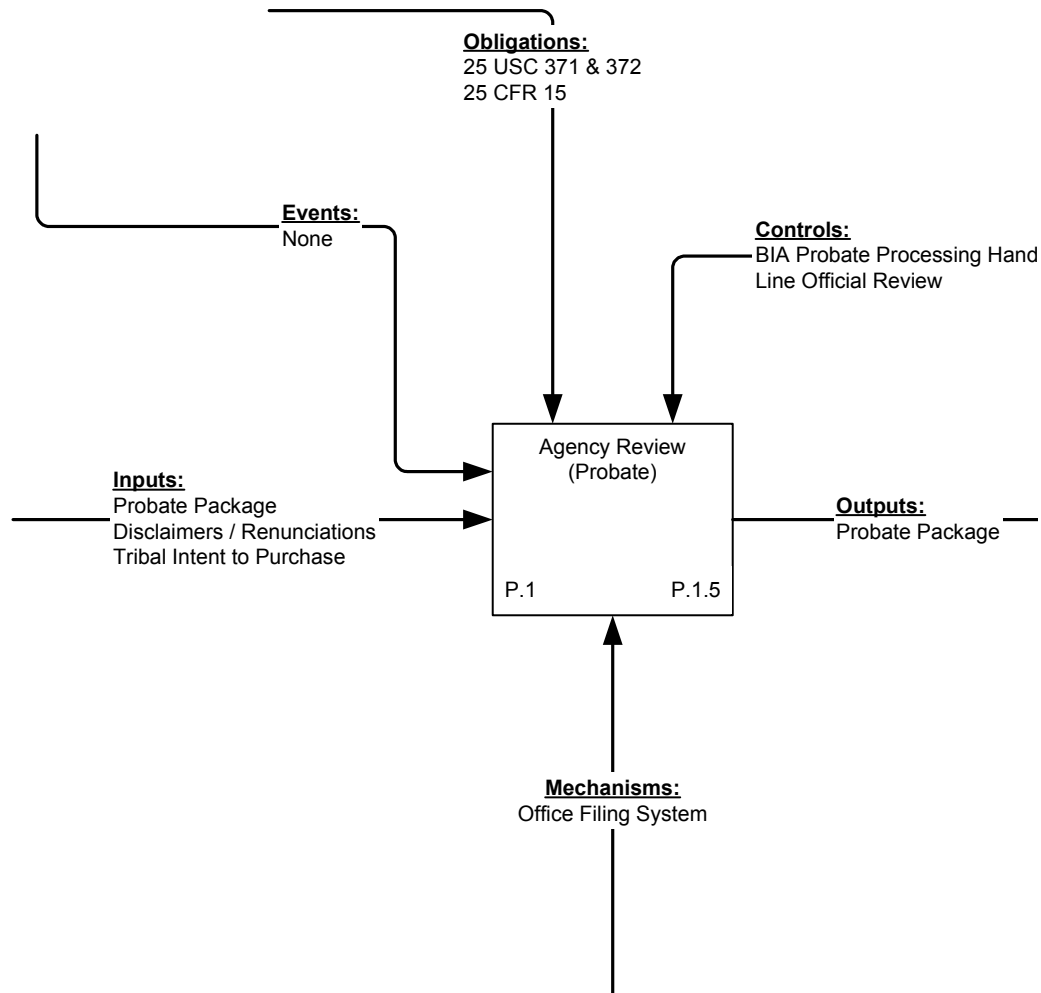


Figure 4.3.1- 7 Agency Review (Probate) IDEF(0)

Determine Deciding Official (P.1.6)

Starts with: Receive reviewed probate package from the Agency.
Ends with: Send Probate Package to the Deciding Official.

The Probate Package is reviewed by the Regional Probate Specialist against established criteria to determine if it is a candidate for adjudication by the BIA or if it should proceed through a formal hearing by OHA. 25 CFR 15 subparts 205 and 206 define the criteria that are used to identify the organization that will adjudicate the estate. Subpart 206 establishes the criteria for performing summary distributions. Summary distributions are performed by BIA unless an interested party requests a formal hearing. Subpart 205 defines criteria, any one of which – if true – will require OHA to conduct a probate hearing.

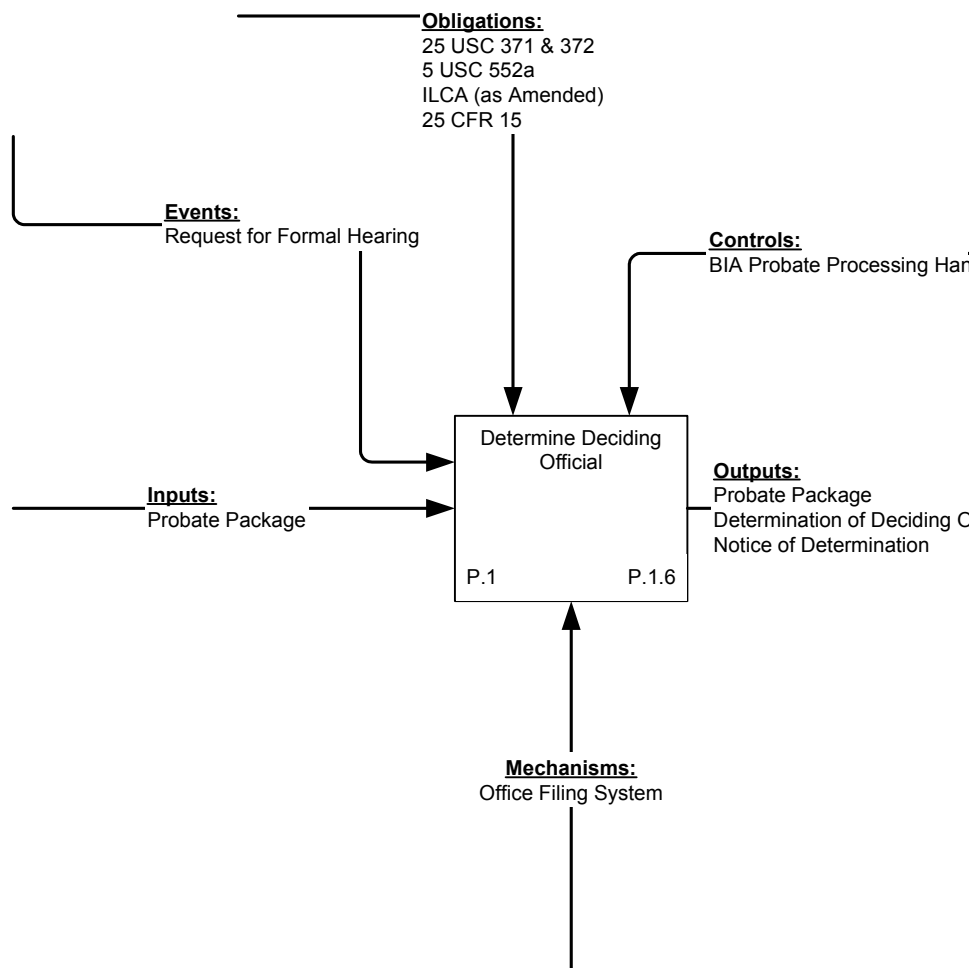


Figure 4.3.1- 8 Determine Deciding Official IDEF(0)



4.3.1.3 Probate Trust Estate (P.2)

Starts with: Receive probate package from the Probate Specialist.

Ends with: Issue probate order to the LTRO/TSO, Agencies and interested parties or
Issue Tribal purchase order to the Agency and Tribe.

Deciding Official (DO) receives the case, evaluates the case, accomplishes pre-hearing case development, sends notices of the location of the formal or informal hearing, conducts hearing, determines the validity of wills, accomplishes post hearing development and issues decision. Probate cases may be transferred among deciding officials for the convenience of interested parties: BIA Attorney Decision Makers (ADMs) must refer cases to OHA if they determine that questions of fact must be addressed in the probate proceeding.

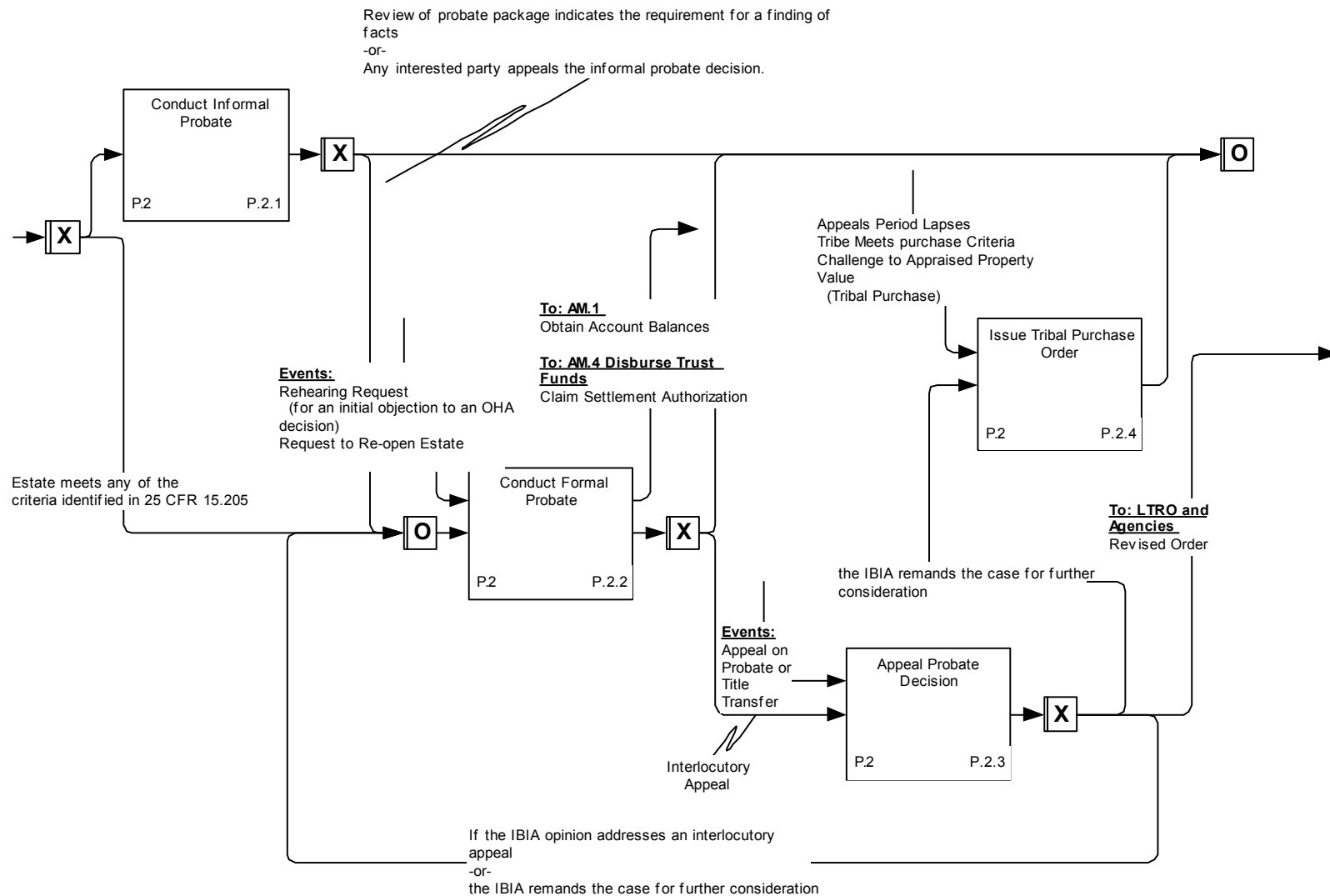


Figure 4.3.1- 9 Probate Trust Estate IDEF(3)



Beneficiary Involvement for Probate Trust Estate

Heirs, devisees and Tribal representatives generally attend probate hearings to provide testimony and evidence and documents verifying family and estate information (non-enrolled devisees are frequently offered the opportunity to issue a disclaimer renouncing their interest in the estate). When beneficiaries cannot attend the hearing in person, they will forward the requested information, either orally or in writing, to the Deciding Official (DO) in advance. Beneficiaries are advised by the DO to agree on the distribution of properties, in advance, to avoid further fractionation and to simplify the adjudication process. Beneficiaries may challenge rulings during the hearing or after the decision.

Probate Trust Estate Significant Notes

- a) Probate activities are governed by 25 CFR 15 and 43 CFR 4, regulations that have been significantly revised since 1999. Unlike most federal activities, the adjudication of Trust estates, however, is governed by the regulations in effect when the individual died rather than the regulations in effect when the probate hearing is conducted.
- b) Frequently, formal hearings held for small amounts of money are due to a question of fact.
- c) Multiple probate codes may apply to a single estate when trust lands are located in several states creating complex probates.
- d) OHA and BIA adjudicate. Both are governed by their own regulations and CFR which may conflict.
- e) The threshold for categorizing small vs. large estates is considerably lower than typically found in the private sector. A higher percentage of Indian estates are probated through a formal hearing process that would be probated in the private sector through an expedited probate process.



Probate Trust Estate Detailed Description

Conduct Informal Probate (P.2.1)

Starts with: Receive probate package from the Probate Specialist.

Ends with: Issue probate order to the interested parties or
Transfer case to OHA.

Informal Probates are conducted by BIA Attorney Decision Makers (ADM). These conferences provide heirs and devisees with an expedited process by which the estate can be adjudicated. BIA probate decisions are generally based on the probate package as confirmed by interested parties attending the hearing. If, at any point prior to the decision, the ADM receives a request for a formal hearing from any interested party, or the ADM discovers a question of fact, the case will be forwarded to OHA for hearing (de novo review).

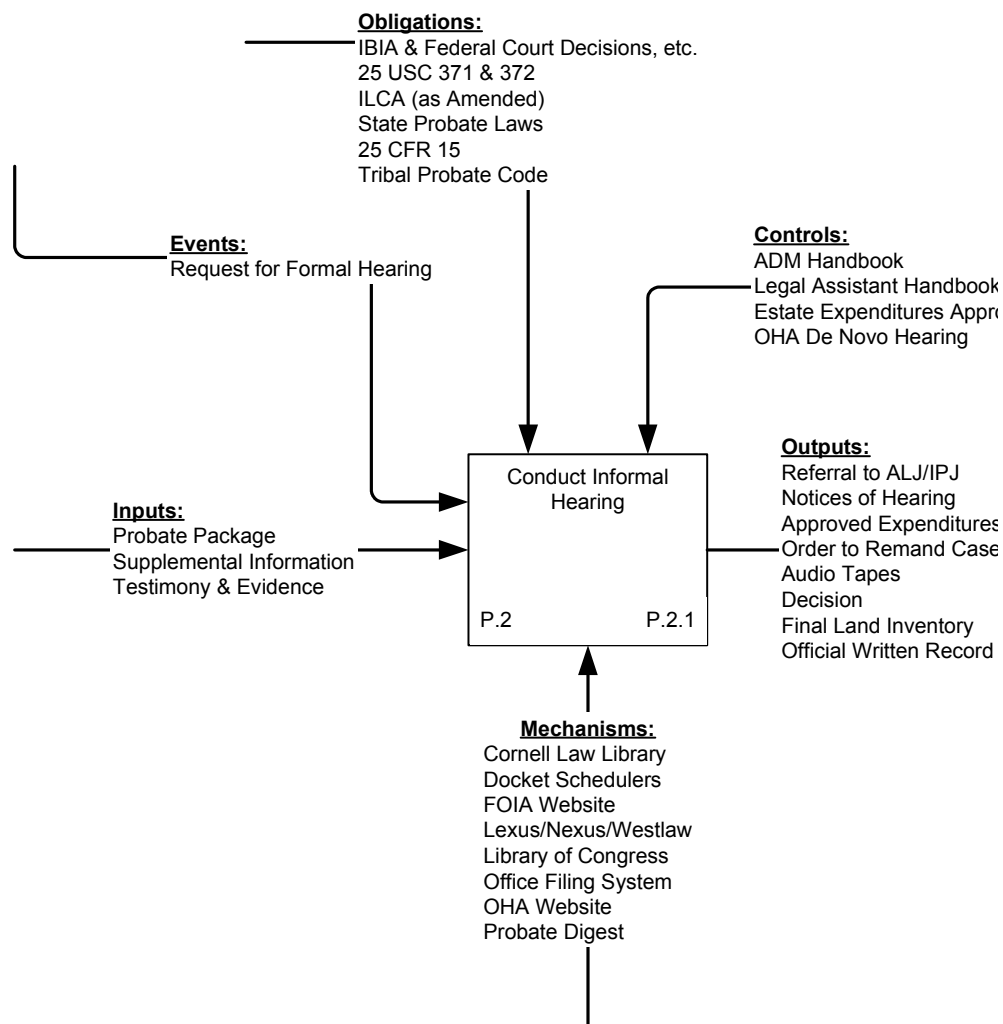


Figure 4.3.1- 10 Conduct Informal Probate IDEF(0)



Conduct Formal Probate (P.2.2)

Starts with: Receive probate package from the Probate Specialist or
Receive challenge to informal probate.
Ends with: Issue probate order to interested parties.

Formal probate proceedings are conducted by OHA Administrative Law Judges (ALJs) or Indian Probate Judges (IPJs). Formal proceedings are required whenever an estate meets any of the criteria identified in 25 CFR 15.205; when questions of law are evident; when any interested party requests a formal probate proceeding in front of OHA; when an Indian heir renounces his interest in the estate; when there is a challenge to the decision resulting from an Informal Probate proceeding; or when a Tribe elects to purchase ILCA-eligible interests in Trust lands. OHA probate decisions are based on a combination of the written record (the probate package) and the evidence and testimony obtained during the hearing.

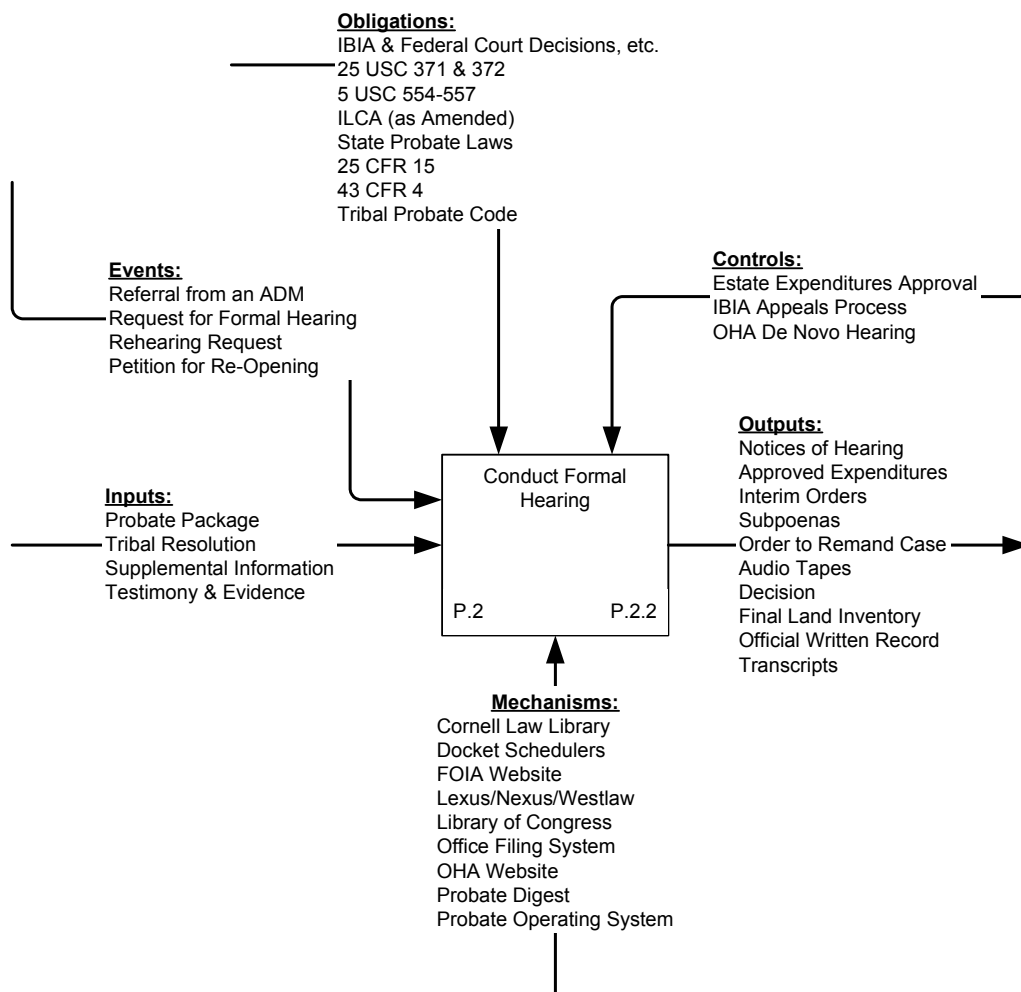


Figure 4.3.1- 11 Conduct Formal Probate IDEF(0)

Appeal Probate Decision (P.2.3)

Starts with: Receive appeal to probate decision or appeal of appraised value of Tribal purchase under ILCA.

Ends with: Issue order finalizing the decision or remanding the case.

Depending on the circumstances of the challenge, appeals arising from probate decisions are heard either by the original Deciding Official or by the Interior Board of Indian Appeals (IBIA). Initial challenges to the Deciding Official's decision are addressed by the original official, either as a re-hearing or a re-opening of the estate. Subsequent challenges to the decision will be heard by IBIA.

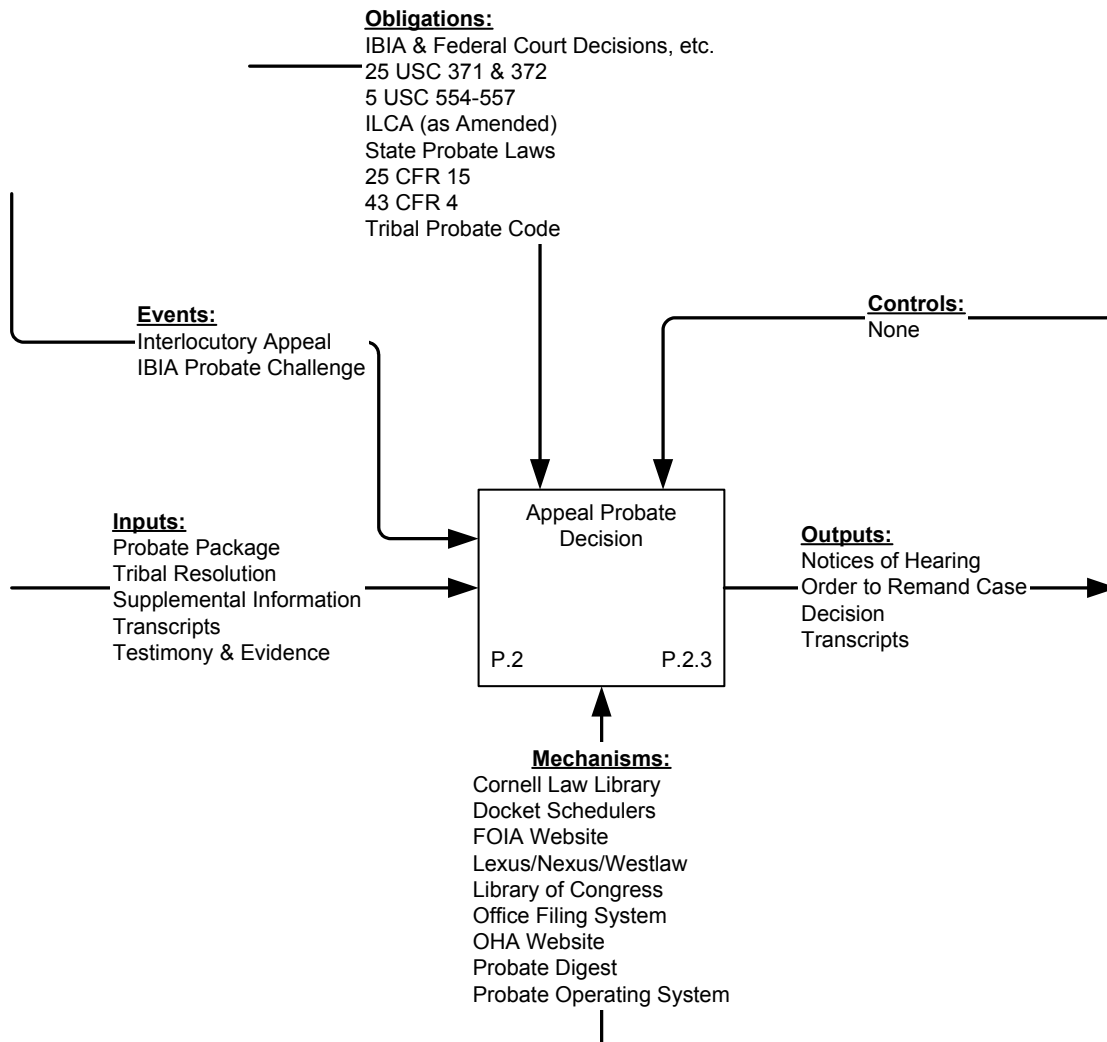


Figure 4.3.1- 12 Appeal Probate Decision IDEF(0)



Issue Tribal Purchase Order (P.2.4)

Starts with: Receive Tribal purchase package from the Agency and expiration of probate appeals period.

Ends with: Issue order confirming or denying Tribal purchase request to the Agency.

A Tribe's petition to purchase a decedent's interest(s) in trust, restricted or allotted lands is either affirmed or denied. The order is issued after the probate decision is final and after the Tribe has met all criteria for acquiring the lands in question.

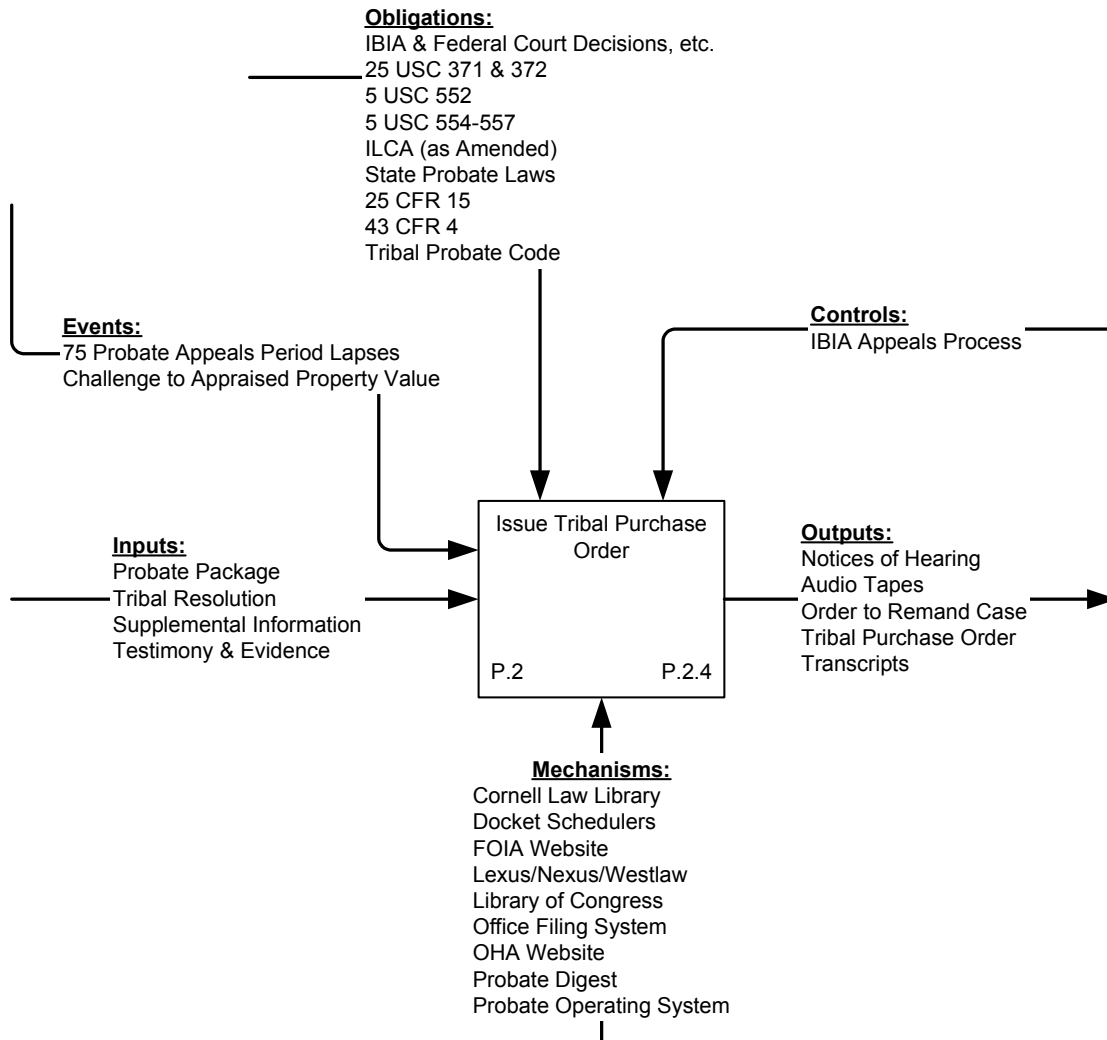


Figure 4.3.1- 13 Issue Tribal Purchase Order IDEF(0)



4.3.1.4 Close Trust Estate (P.3)

Starts with: Expiration of 75-day appeals period or
Receive appeal decision or Tribal purchase order from the IBIA.
Ends with: Distribute trust assets to heirs, devisees and claimants.

The Deciding Official's probate decision is forwarded to the servicing LTRO/TSO and the Regional/Agency offices to record changes in land ownership and distributions of the monies. Agencies then submit O1-004 forms to establish accounts, as required, and prepare journal vouchers, public vouchers (1034 for submittal to OST/OTFM to distribute monies held in the decedent's accounts. Close Trust Estate starts when probate case decision is final and ends when changes to property title are made, money in Trust accounts is distributed, accounts are closed and claims are settled in accordance with the decision.

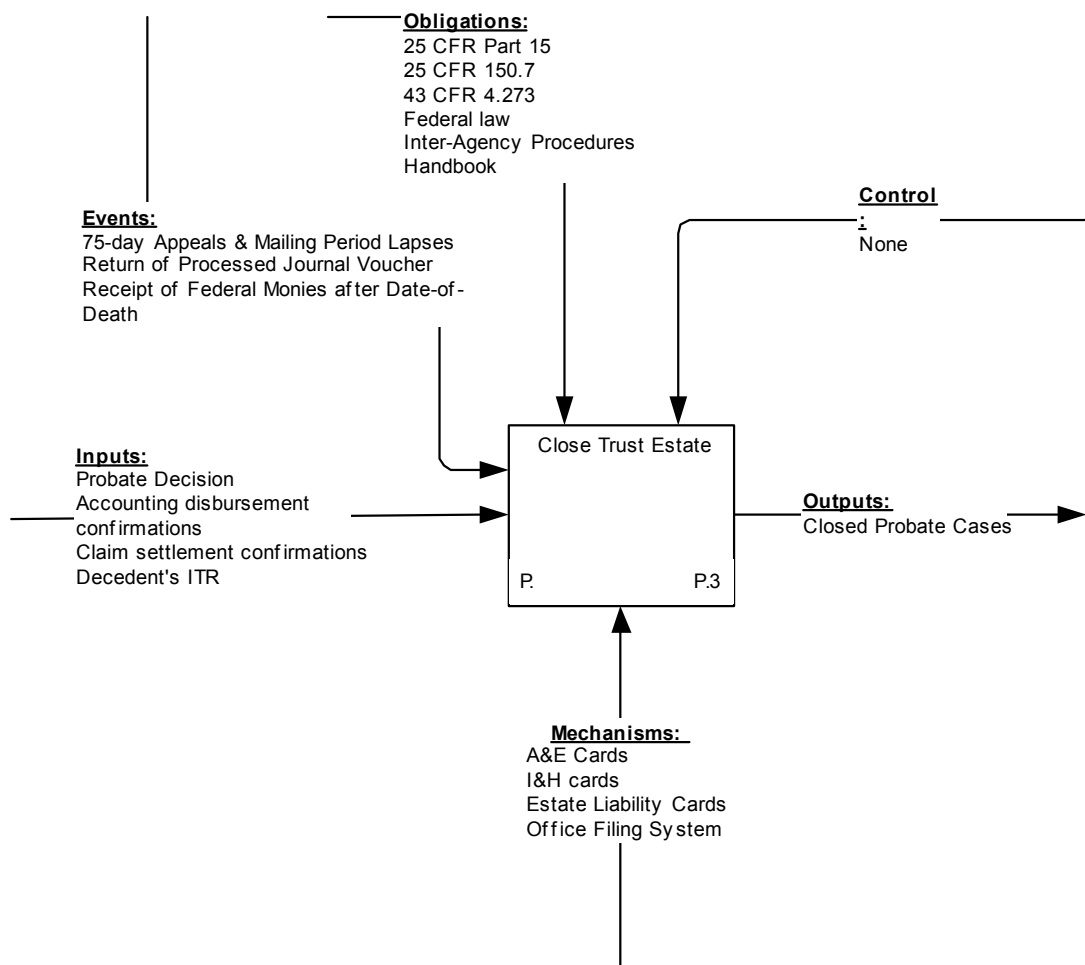


Figure 4.3.1- 14 Close Trust Estate IDEF(0)



Beneficiary Involvement for Close Trust Estate

Beneficiaries provide name, address, social security numbers and other required information to establish new accounts.

Close Trust Estate Significant Notes

- a) When an estate involves Trust interest in more than one BIA region, there is difficulty in coordinating the closing of accounts, distribution of assets and title changes to efficiently close the estate.



4.3.1.5 Probate Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.1- 1 Great Plains Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Sisseton-Wahpeton Sioux Tribe	Obligation	Trust or Restricted land of a decedent is escheated to the Tribe if an eligible heir is to receive less than 2 ½ acres or no eligible heirs exist - Prevent further loss of Trust land. Implemented by PL 98-513.	Federal Law	Reduces fractionation of trust land	High	Major
Standing Rock Sioux Tribe	Obligation	Trust or Restricted land of a decedent is escheated to the Tribe if no eligible heirs exist - Prevent further loss of Trust land. Implemented by PL 96-274.	Federal Law	Reduces fractionation of trust land	High	Major
Devils Lake Sioux Tribe	Obligation	Trust or Restricted land of a decedent is eligible for purchase by the Tribe if an eligible heir is to receive less than 2% or less of the total acreage and has earned less than \$100 in the preceding year.	Federal Law (PL 97-459)	Reduces fractionation of trust land	High	Major
Great Plain Region	Description	Agencies are forwarding cases to ALJs without applying the tests in	Local Policy	Overloads OHA's docket with cases that can be	High	Minor

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		.205 and .206.		adjudicated on the record.		
Pine Ridge Agency	Output	Monthly death notices are sent to the local Bank, IHA and Tribal Credit.	Local Policy	This is done to inform various credit entities to file claims if needed.	Medium	Minor
Winnebago Agency	Output	Monthly death notices are sent to Omaha and Winnebago Tribal credit but not to Santee Tribal Credit.	Local Policy	Requests from Omaha and Winnebago to be informed of deaths so Tribal credit programs can file claims if necessary.	Medium	Minor
Yankton Agency	Output	Monthly death notices are sent to the IHA and Tribal credit programs.	Local Policy	Requests from Tribe to be informed of deaths so that their Tribal credit programs can file claims if necessary.	Medium	Minor

Table 4.3.1- 2 Midwest Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Mechanism	Use of local Historical Societies	Additional Resource	Provides another resource for local history, which helps identify possible heirs.	Medium	Minor
Midwest Region	Mechanism	Annuity Role - Used to identify relatives	Additional Resource	Provides another resource for local genealogy information, which helps	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				identify possible heirs.		
White Earth Reservation Business Community	Mechanism	WELSA - (White Earth Tribe) related probate documents - Used as a source to identify heirs in future probates	Additional Resource	Provides another resource for local genealogy information which helps identify possible heirs and a more accurate and efficient probate.	Medium	Minor
Great Lakes Agency	Mechanism	As a result of the Temporary Restraining Order and subsequent Stop Order, Great Lakes agency is using GLADS verified by A&E cards to produce certified inventories for probates.	Court Order	The agency has continued to process probates using A&E cards (kept updated) and GLAD to produce certified inventories.	High	Major
Midwest Region	Mechanism	Internet genealogy resources are not being used to identify potential heirs.	Court Order	Lack of internet access has prevented probate clerks from identifying heirs using internet genealogy research web sites.	High	Major
Great Lakes Agency	Mechanism	Datacom Sciences has reconciled many of the ID discrepancies while doing summary probates. They have built a data base with the ID reconciliation. (Pilot Initiative)	Local Initiative	Eliminate summary distribution backlog and reconcile Owner ID's	High	Medium
Great Lakes Agency	Mechanism	Great Lakes keeps a status sheet which every office checks before making payments etc.	Local Policy	This assures no direct payments are sent after a decedents trust assets are	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				placed in estate status		
Minnesota Agency	Beneficiary Involvement	Minnesota Agency does not require social security card, enrollment card, picture ID, etc. if they are enrolled	Local Policy	No other form of ID is required if the heir is an enrolled member	Medium	Minor
Minnesota Agency	Output	Sends death notice to Tribes	Local Policy	Informs Tribal credit programs so they will have the opportunity to file a claim.	Medium	Minor
Minnesota Agency Great Lakes Agency Michigan Field Office	Output	Sends an initial notice to selected heirs outlining the probate process and what is needed and expected (25 CFR 15.104); sometimes followed up by a phone call if needed documents have not been submitted. Not a formalized process but it is being done	Local Policy	This can expedite the preparation of a probate package.	Medium	Minor
Midwest Region	Obligation	Twin Cities OHA regularly produces Transcripts	Local Policy	Makes for easy access to prior transcripts which is a good source of genealogy information in preparing a probate package	Low	Minor
Red Lakes Field Office	Beneficiary Involvement	Provide social security card, enrollment card, picture ID and 3 forms (notarized) for funds disbursement.	Procedural	To ensure identification of heirs is accurate	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Mille Lacs	Obligation	Mille Lacs has a written Memorandum of Understanding defining the division of responsibilities between the Minnesota agency and Tribe (Tribe has compacted Probate)	Procedural	The memorandum of understanding defines the Tribe's and BIA's responsibilities for the compact in more detail. This reduces misunderstandings.	Medium	Medium
Great Lakes Agency Michigan Field Office	Beneficiary Involvement	Agencies requires a SS card and a picture ID	Procedural	To ensure identification of heirs is accurate	Medium	Minor
Midwest Region	Beneficiary Involvement	Midwest sends an initial notice to selected heirs outlining the probate process and what is needed and expected sometimes followed up by a phone call. Heirs are expected to respond with the needed documentation	Procedural	Creates a better understanding of what is needed and how the process will proceed for the heirs.	Medium	Minor
Great Lakes Agency Red Lake Field Office	Organization	Red Lake Agency sends the completed probate package to Great Lakes for review and signature	Staffing	There is no superintendent at Red Lake and all probate packages are sent to the Great Lakes Superintendent for review.	Medium	Medium
Mille Lacs	Control	Mille Lacs' MOU with Minnesota Agency - Defines responsibilities of the Tribe and Agency for probate (compacted by Mille Lac)	Tribal Policy	Clarifies the Tribe and Agency responsibilities in more detail than the compact. This reduces problems and confusion when the Tribe is	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				performing non-inherently federal functions of probate.		

Table 4.3.1- 3 Eastern Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region	Process	Does not have probates that involve allotted lands - All the land is Tribal Trust/Restricted	No allotted lands.	There is no allotted land to probate. They do have some IIM accounts created from judgments.	Medium	Major

Table 4.3.1- 4 Alaska Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Input	Cultural adoptions - adoptions done at Tribal level which are culturally accepted but usually have no legal documents proving family heritage.	Cultural	Slows the process because each DO requires different forms of proof of genealogy.	Medium	Major
Alaska Region	Obligation	P.L. 83-280 - Enables states to assume civil jurisdiction in matters involving Indians as	Federal Law	Public Law 83-280 - Tribes are not provided funding to create and staff family	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		litigants on reservation land.		courts, as a result no legal papers are available for cultural adoptions. ALJs will accept Tribal resolutions as proof of a cultural adoption.		
Alaska Region	Obligation	Alaska Claims Settlement Act - Identifies individual allotments. Sets aside Indian land in Restricted Fee Simple status rather than Trust status.	Federal Law	BIA has to get official title records from the State.	Medium	Major
Alaska Region	Obligation	Fee-Restricted in Alaska – The Native Allotment Act as amended (1922, 1956 and 1971) and the Alaskan Claims Settlement Act of 1971 have defined the land as restricted fee lands.	Federal Law	This is the law that makes the allotments restricted fee and therefore title is recorded at the State	Medium	Major
Alaska Region	Organization	Alaska has Consortiums (Entities that compact/contract services for a number of Tribes)	Federal Law	This is done usually by small Tribes because of economy of scale.	Medium	Major
Alaska Region	Input	Original Allottee information - Records for original Allottees from the Allotment act of 1906	Federal Law	Historical records of original allottees.	Medium	Minor
Alaska Region	Event	Region is P.L 280 State, no Tribal courts in Alaska for determination of death	Federal Law	No Tribal courts to initiate a presumption of death hearing	Low	Major
Alaska Region	Event	ILCA Reversals - ILCA does not	Federal Law	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		apply in Alaska, therefore there are no escheats or Tribal purchases to be reversed.				
Alaska Region	Control	Under the authority of the Native Allotment Act of 1906, title to Restricted Fee land is maintained by the State. This authority is also referenced in the Native Village Act of 1926 and the Vietnam Veteran Act of 1988.	Federal law	Aside from the complexity associated with accessing outside agencies and systems of record, the impact of these laws is minimal.	Medium	Minor
Alaska Region	Organization	Estate inventories are created by the service provider (Tribe, Consortium or BIA). Title to the property is recorded with the State - Title is maintained at the State because the land is restricted fee.	Local Policy	If the service provider records are not current this could lead to modifications.	Medium	Medium
Alaska Region	Process	Determinations of Death - They are treated as a probate with an additional step.	Local Policy	Current circumstances are not conducive to determinations of death, however if a case is very strong the probate clerk sends the documents for the probate along with the determination of death package. This is more expedient.	Medium	Minor
Alaska Region	Mechanism	Monthly Notices of Death from	Procedural	Greatly reduces the number	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		all 37 Service Providers in Alaska - Notice of deaths from each service provider to all other service providers in Alaska informing them of Deaths at their location. Done to keep everyone informed and reduce the number of modifications.		of modifications done in probate.		
Alaska Region	Organization	Alaska Title Service Center receives the decision and they provide a certified copy to the Service provider (BIA, Tribal or Consortium) that is responsible for closing the probate. The Service provider updates their records and has the changes recorded in the State records office.	Procedural	Alaska Title Service Center distributes copies of the decision and has the appropriate title changes made with the State.	Medium	Major
Alaska Region	Mechanism	BIA Probate Processing Handbook (Pub 6/2001) - Separate handbook is used	Procedural	This helps Probate staff process probates more efficiently by making allowances for all the variations in the Region.	Medium	Medium
Alaska Region	Input	Confirmation for title changes comes after the Service Provider submits the decision to the State for recordation and the State notifies Service provider the changes have been made -	Procedural	State confirms the changes have been made by notifying the Appropriate service provider (BIA or Tribe). This allows the	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Because the land is restricted Fee and recorded with the State		case to be closed efficiently		
Alaska Region	Role	All information needed for probate has to be requested by letter rather than phone call.	Remoteness of Villages	They send detailed request and forms to family members with explanation of what and how the probate will take place. This can expedite the preparation of a probate package.	Medium	Medium

Table 4.3.1- 5 Northwest Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Nez Perce Tribe	Obligation	Inheritance Act - So that the Tribes needs can be considered in Probating Trust Estates	Federal Law	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major
Warm Springs	Obligation	Warm Springs Inheritance Act - So that the Tribes needs can be considered in Probating Trust Estates	Federal Law	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major
Yakama Tribe	Obligation	Inheritance Act - So that the Tribes needs can be considered in Probating Trust Estates	Federal Law	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Confederated Tribes of the Umatilla Indian	Obligation	Umatilla Probate Code - Inheritance law for Probating a Trust Estate	Tribal Probate Code	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major
Nez Perce Tribe	Obligation	Nez Perce Tribe Inheritance Act - Inheritance law for Probating a Trust Estate	Tribal Probate Code	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major
Umatilla	Obligation	Approved Probate Code - So that the Tribes needs can be considered in Probating Trust Estates	Tribal Probate Code	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major
Yakama Tribe	Obligation	Yakama Tribe Inheritance Act - Inheritance law for Probating a Trust Estate	Tribal Probate Code	Allows the Tribes to address their specific needs as they pertain to probates.	Low	Major

Table 4.3.1- 6 Eastern Oklahoma Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Role	Tribal and Agency Realty Clerks update surface leases, ownership and Tax Records		Title documents are recorded at the local court house but has to be compared to Agency title information to assure all restricted property is accounted for.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Description	Regional Director's Office receives notice of probate and forwards it to the Solicitors office. The Solicitors office reviews the petition to see if it conforms to Federal law, checks for missing heirs and files the probate in county court.	Federal Law	Federal law requires these probates go through State District court. This requires a larger everyday role from the DOI solicitors office to assure court decisions are not violating federal statutes pertaining to the Five Civilized Tribes and Osage	High	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Description	Probates not involving a will are filed with the District Court by a private attorney and forwarded to the superintendent. At the agency it is date stamped and forwarded to the Solicitor who monitors the case	Federal Law	Federal law requires these probates go through State District court. This requires a larger everyday role from the DOI solicitors office to assure court decisions are not violating federal statutes pertaining to the Five Civilized Tribes and Osage	High	Major
Osage Agency	Process Description	Maintains interest information for head rights that have been sold to non-Indians. These shares have to be figured and payment request sent to San Francisco for disbursement	Federal Law	Because head right shares are paid by oil companies that include thousands of shares that include non-Indian shareholders, they have to be processed and paid even though they are not trust funds.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Osage Agency	Process Description	Intervivos Trust (by statute this has to be a revocable trust and often is referred to as a revocable trust) is similar to a will where the individual Osage Indian could transfer to the Secretary of the Interior his restricted real property, head rights and Lake Fund	Federal Law	Intervivos Trust allows the Superintendent to distribute the assets after the individual's death and is less cumbersome than state court.	High	Major
Osage Agency	Role Output	Solicitor prepares a distribution report and submits it to the agency.	Federal Law	Order to execute the Trust after the 30-day period for challenges.	High	Major
Osage Agency	Mechanism	Agency office records title changes and ownership of head rights and Lake fund shares.	Federal Law	Agency maintains the official record of head rights and Lake Fund shares	Medium	Major
Osage Agency	Obligation	25 CFR Part 154 - Certificate of Competency Osage. Before distributions can be made agency must check to see if the heir has a certificate of competency.	Federal Law	Before accounts can be set up for new heirs, agency staff must check for a certificate of competency. If none, a restricted account must be set up.	Medium	Major
Cherokee Tribe Chickasaw Tribe Choctaw Tribe Creek Tribe Seminole Tribe	Obligation	25 CFR 115 does not apply to the Osage Nation or to the Five Civilized Tribes. Indian IIM accounts. Instead 25 CFR 116 was written to establish specific IIM regulations for the Five Civilized Tribes and 25 CFR 117	Federal Law	Introducing separate sets of regulations increases the complexity of administering IIM accounts for Trust beneficiaries.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Osage Nation		was written for the Osage Nation.				
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Control	If a sale of land is required to satisfy a lien the Solicitors office reviews the sale to see if it is necessary and makes sure any sells conform to 61 Statute 731.	Federal Law	To ensure the sale conforms to 61 Statute 731.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Obligation	25 CFR Part 16 - Estates of Indians of Five Civilized Tribes.	Federal Law	Regulations for discharging the responsibilities of the Secretary in connection with the State Courts performance of Indian Probates.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Office	Solicitors office reviews and transmits the court order for the Five Civilized Tribes to the EORO.	Federal Law	Requires a review of any court ordered claims by the Solicitors office and a recommendation on the validity of the claim.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office	Control	If the decision complies with federal law the solicitor forwards it with his recommendation to the superintendent for distribution	Federal Law	This is a review by the Attorney Advisor in the solicitor office to ensure the decision complies with all federal law.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Wewoka Field Office Osage Agency						
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Input	Attorney Advisors review and makes a recommendation for payment of attorney fees.	Federal Law	This is a review by the Attorney Advisor in the Solicitor's office, to ensure the fees are reasonable.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Mechanism	Official Title for restricted land for Osage and Five Civilized Tribes is maintained by the State.	Federal Law	Title maintained at the agency must be compared to title maintained in local courthouses to assure all restricted property is included in the probate.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Obligation	Hearings / recommendations for wills conducted by the Solicitors Office.	Federal Law	Requires a hearing for any wills by the Solicitors office and a recommendation on the validity of the will.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Process Description	Probates for Osage and Five Civilized Tribes restricted land and trust funds are heard by Oklahoma District Court.	Federal Law	This requires a larger everyday role for the DOI Solicitors office to assure court decisions are not violating federal statutes pertaining to the Five Civilized Tribes and Osage.	Medium	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Role	Attorney Advisor (DOI Solicitors Officer) presides over challenges to an Intervivos Trust and makes recommendation to Superintendent.	Federal Law	Requires a hearing to be held by the Solicitors office if there is a challenge to an Intervivos Trust and that the Attorney Advisor makes a recommendation on the validity of the challenge.	Medium	Major
Osage Agency	Role Office	Challenges to Intervivos Trusts are addressed by the Solicitor's Office rather than by the IBIA. An Attorney Advisor from the Solicitor's Office makes a recommendation as to the validity of the challenge.	Federal Law	Separate statutes and regulations increase the complexity of administering the probate process.	Medium	Major
Osage Agency	Obligation	25 CFR Part 17 - Action of will on Osage	Federal Law	Separate statutes and regulations increase the complexity of administering the probate	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				process.		
Osage Agency	Obligation	1978 Act - Establishes the authority for the Superintendents to do will approvals and the state court to do probates	Federal Law	Separate statutes and regulations increase the complexity of administering the probate process.	Medium	Major
Osage Agency	Obligation	After review of the Intervivos Trust by the Solicitors office, the Superintendent approves or denies the Intervivos Trust. If approved, the Superintendent distributes Trust assets accordingly.	Federal Law	Separate statutes, regulations and processes increase the complexity of administering the probate process.	Medium	Major
Osage Agency	Role	Agency Realty Specialist updates ownership, Tax records (head rights and Lake Fund) and lease records.	Federal Law	Title maintained at the agency is unofficial but they maintain the official record of head rights and Lake Fund shares.	Medium	Major
Osage Agency	Organization	Agency office records new ownership of head rights and Lake Fund shares.	Federal Law	No systems available for these unique trust assets. Agency created their own automated systems to track ownership.	Medium	Medium
Chickasaw Agency Okmulgee Field Office Miami Field Office	Office	Solicitors Office occasionally calls families for additional information, usually concerning heirs.	Federal Law	If it is an issue that can be readily clarified the Solicitor will call the family for clarification rather than	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Talihina Field Office Wewoka Field Office Osage Agency				go through the agency office.		
Osage Agency	Event	Distribution report for Intervivos Trust, wills and intestate succession.	Federal Law	Report is reviewed by Attorney Advisor and returned to Superintendent with a recommendation.	Low	Major
Osage Agency	Input	Agency has to have an official death certificate or the district court decision (after Solicitors review) with the date of death noted on it before distributions are made.	Federal Law	Minimal	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Office	Reviews and recommends to the Superintendent concerning Orders for payment from the District Court.	Federal Law	All court orders for payment of a claim, taxes, appraisers, etc. must be approved by the Superintendent after review by the solicitors office and his recommendation.	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Organization	Attorney Advisors review and make recommendation for payment of attorney fees.	Federal Law	To assure attorney fees are reasonable.	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Event	Final Decree from District Court plus 30 days appeal period	Federal Law	Appeals period is 30 days as opposed to 30 + 15 in 25 CFR part 15	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Input	Appraisals for restricted lands are only done when requested by the District Court.	Federal Law	Unless probate orders include an appraised value of estate lands, heirs and devisees may not understand the value of inherited Trust interests.	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Obligation	The State District Court has jurisdiction as the Deciding Official over all probate matters involving the Osage Nation and the Five Civilized Tribes.	Federal Law	Aside from the additional complexity associated with coordinating probate activities with non-Departmental organizations, there is little impact.	Low	Major
Chickasaw Agency Okmulgee Field Office	Office	Solicitor reviews and monitors probate cases being conducted in District Court.	Federal Law	Solicitor monitors probate cases in state court and reviews the decision to	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency				assure it complies with all applicable laws.		
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Office	When decedent is represented by a private attorney the estate, inventory is provided to the attorney.	Federal Law	Minimal	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Output	An order to pay a claim, which goes through the Solicitors office for review with a recommendation to the Superintendent/Field Representative.	Federal Law	Attorney Advisor reviews the order to assure it complies with all applicable laws. He then makes a recommendation to the Superintendent whether or not they appear to be valid and don't conflict with any laws.	Low	Major
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office	Output	Probates are conducted in District Court with decedent's estate represented by private attorneys.	Federal Law	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Wewoka Field Office Osage Agency						
DOI Regional Solicitors Office	Role Office Organization	If there is a challenge to an Intervivos Trust the Solicitors Office hears the challenge and gives recommendation to the Superintendent.	Federal Law	An Attorney Advisor from the Solicitors Office must hear challenges to an Intervivos trust.	Low	Major
Osage Agency	Office	District court orders to pay claimant, taxes, appraisers etc. must be approved by the Superintendent after review by the solicitor and his recommendation.	Federal Law	The Superintendent must approve all court orders for payment of a claim, taxes, appraisers, etc.	Low	Major
Osage Agency	Role	Realty Assistant provides head right values for the probate.	Federal Law	Value of a decedents head rights based on past quarterly payments sent to the private attorney representing the decedent.	Low	Major
Osage Agency	Role	Realty Assistant sends unofficial death notices to Tribal Council Office and the Solicitor.	Federal Law	To assure Solicitor is informed of the death and Tribal credit programs know of the death should they need to file a claim.	Low	Major
Osage Agency	Role	Review and makes recommendation to the Superintendent on Distribution report for Osage wills, intestate	Federal Law	Attorney Advisor reviews the order to assure it complies with all applicable laws. He then makes a	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		succession and Intervivos trusts Superintendent.		recommendation to the superintendent whether or not they appear to be valid and doesn't conflict with any laws.		
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Mechanism	Probate Cards- Paper based cards with Five Civilized Tribes decedent's name, date of death, heirs, name of court that presided over the probate, date and case number.	Local Policy	Card system that is used with all the information that might be needed of all past probates.	High	Minor
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Process Description	For the Five Civilized Tribes the Tribal /Agency Realty Specialist sends unofficial/official death notice to Tribal enrollment, Eastern Oklahoma Regional Office and Land Titles office.	Local Policy	Ensures that all affected offices know that the decedents trust assets are in estate status.	High	Minor
Eastern Oklahoma Regional Office	Mechanism	They use the SSA Death Index for research (missing heirs, confirmation of a death, etc.)	Local Policy	This is a very reliable system for researching missing heirs, confirmation of a death, etc.	High	Minor
Osage Agency	Process Description	BIA sends unofficial death notices to Tribal Council Office and the DOI Solicitor.	Local Policy	Ensures that the Tribe knows the decedent's shares in head rights or lake funds are in estate status and that the solicitor's	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				office can prepare for monitoring the case.		
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Role	Attorney Advisor reviews and transmits the court order for the Five Civilized Tribes to EORO.	Local Policy	This is a review by the Attorney Advisor in the solicitor office to ensure the decision complies with all federal law.	Medium	Major
Eastern Oklahoma Region	Mechanism	A & E Cards - maintained on microfiche	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being maintained and kept on microfiche.	Medium	Medium
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Role	Tribal/Agency Realty Specialist sends unofficial/official death notice to Tribal enrollment.	Local Policy	To assure the Tribe has updated enrollment information.	Medium	Minor
Eastern Oklahoma Region	Inter-Process relationship	T.4 - Maintain Title - N/A	Local Policy	No formal process to notify probate staff that the title changes have been completed. Causes extra work for the probate staff trying to confirm when	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				changes are made and the case can be closed.		
Eastern Oklahoma Region	Inter-Process relationship	T.4 - Maintain Title - N/A	Local Policy	No formal process to notify probate staff that the title changes have been completed. Causes extra work for the probate staff trying to confirm when changes are made and the case can be closed.	Medium	Minor
Eastern Oklahoma Region	Output	OHA offices serving these regions sends the decision to OST/OTFM - because they are an interested party.	Local Policy	This does not appear to be necessary because the Agency will send the decision and journal vouchers for the distribution of the decedents funds.	Medium	Minor
Eastern Oklahoma Region	Process	Determinations of Death - They are treated as a probate with an additional step.	Local Policy	Current circumstances are not conducive to determinations of death, however if a case is very strong the probate clerk sends the documents for the probate along with the determination of death package. This is more expedient.	Medium	Minor
Eastern Oklahoma Region	Role	OHA refers cases back to ADM's	Local Policy	Minimal	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		- If after the ALJ/IPJ's review of the Probate package it appears that the case could be decided on the record.				
Osage Agency	Role	Attorney Advisor produces a distribution report for Osage wills, intestate successions and Trusts.	Local Policy	Minimal	Medium	Minor
Cherokee Tribe Chickasaw Tribe Choctaw Tribe Creek Tribe Seminole Tribe	Organization Office	Tribes check distribution report with Tribal enrollment/CDIB documentation, sends out the forms for new IIM accounts then sends forms back to EORO who sends to OST/OTFM.	Local Policy	The benefits are that the Tribe is able to get the forms from new heirs to open a new account more efficiently.	Low	Minor
DOI Regional Solicitors Office	Mechanism	Osage Head Right Cards - Paper based cards with head right ownership information kept by the Solicitors Office.	No off the shelf or DOI applications that would work.	The use of paper-based systems increases the effort and likelihood of error associated with supported business processes.	Low	Minor
Eastern Oklahoma Regional Office	Output	If there is a disputed claim the BIA will keep the disputed amount in a suspense account until it is resolved.	Procedural	To assure money is available for claims should they be valid.	Medium	Medium
Chickasaw Agency Okmulgee Field Office	Office	The Regional Office receives the decision from the Solicitors office and forwards it to the appropriate	Procedural	After the solicitor review the decision from district court the decision and his recommendation is	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Miami Field Office Talihina Field Office Wewoka Field Office		Agency or Tribe for execution.		forwarded to the Regional Office. The Regional Office forwards to the appropriate Tribe or Agency.		
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office	Output	EORO Realty Office sends the decision and the distribution report to the agency minerals office for update of their leases (Five Civilized Tribes).	Procedural	This assures the heirs begin receiving any payments to which they are entitled.	Medium	Minor
Chickasaw Agency Okmulgee Field Office Miami Field Office Talihina Field Office Wewoka Field Office Osage Agency	Office	Regional Office receives notice of Probate from the District Court when trust assets are involved.	Procedural	Minimal	Low	Minor
Osage Agency	Input	Wills are done by private attorneys and submitted to the Superintendent/Field Representatives for approval. 25 CFR Part 17	Regulation	Wills for Osage Indians are governed by federal law. They are reviewed by the solicitor's office and approved by the superintendent.	Medium	Major
Osage Agency	Obligation	Requires the Solicitors office hold	Regulation	Attorney Advisor holds a	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		a hearing on a will and make a recommendation to the Superintendent. The Superintendent approves or disapproves the will. 25 CFR Part 17		hearing and reviews the will for format. He then makes a recommendation to the superintendent. This is to assure the will is properly formatted and complies with all applicable laws.		
Eastern Oklahoma Region	Mechanism	IRMS - N/A	System constraints	The use of Agency-specific, paper-based mechanisms increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	High	Medium
Eastern Oklahoma Region	Mechanism	LRIS - N/A	System constraints	The use of Agency-specific, paper-based mechanisms increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	High	Medium
Osage Agency	Mechanism	Osage Lake Fund System - Tracks interest and ownership of settlement funds for Osage	Tribal Obligation	Automated specialized system that tracks ownership and interest of	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Indians.		the Osage Lake Fund Settlement.		
Osage Agency	Mechanism	Osage Annuity Program - Spreadsheet to track Osage head rights (shares in producing wells).	Tribal Requirements	In house spreadsheet for tracking head right income and ownership.	Low	Medium

Table 4.3.1- 7 Southern Plains Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Plains Region	Mechanism	Real Estate Module - REM - Used to identify individual interests.	Local Policy	Where stand alone systems are created, the complexity and investment in information support increases, without a corresponding benefit (increase in utility).	Medium	Medium
Southern Plains Region	Role	Agencies are not requesting transcripts.	Local Policy	This may be because the cases are held in district court.	Medium	Medium
Southern Plains Region	Predecessor	T.4 - Maintain Title - N/A	Local Policy	No formal process to notify probate staff that the title changes have been completed. Causes extra work for the probate staff trying to confirm when	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				changes are made and the case can be closed.		
Southern Plains Region	Organization	OHA offices serving these regions sends the decision to OST/OTFM - Because they are an interested party.	Local Policy	This does not appear to be necessary because the Agency will send the decision and journal vouchers for the distribution of the decedents funds.	Medium	Minor
Southern Plains Region	Description	Determinations of Death - They are treated as a probate with an additional step.	Local Policy	If a case for determination of death is strong they will prepare the probate package with it and sent to OHA. This expedites the case.	Medium	Minor
Southern Plains Region	Organization	OHA refers cases back to ADM's - If after the ALJ/IPJ's review of the Probate package it appears that the case could be decided on the record.	Local Policy	Minimal	Medium	Minor
Southern Plains Region	Input	Transcripts of prior probates are not used when compiling the OHA-7 form.	Procedural	Use of prior probate transcripts can increase accuracy in the preparation of a probate package.	Medium	Medium
Southern Plains Region	Input	Decisions (Final Order) - No ADM's	Staffing	Currently all cases have to go through OHA.	Medium	Medium
Southern Plains Region	Mechanism	LRIS - N/A	System constraints	The use of Agency-specific, paper-based mechanisms	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				increases the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.		
Southern Plains Region	Mechanism	Kardex logs and other local records are used to manage probate and realty information.	System constraints	The use of Agency-specific, paper-based mechanisms increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	High	Medium

Table 4.3.1- 8 Rocky Mountain Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Mechanism	I & H Cards - Used for reference only - not kept current.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. They are not being kept current but are used for historical reference.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Office	ADM - conduct informal telephone conferences	Local Policy	ADM conducts informal conferences to adjudicate simple estates.	Medium	Minor
Rocky Mountain Region	Process Description	Believe they have instructions from the ALJ for all probates to go to OHA.	Local Policy	Overloads OHA's docket with cases that can be adjudicated on the record.	Medium	Minor
Rocky Mountain Region	Mechanism	A & E Cards are used but not updated anymore.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. If they have not been updated they can only be used for original allotment laws.	Low	Medium
Ft. Peck Rocky Mountain Region	Control Output	Approval for estate expenditures - If less than \$2,500 in estate a request is made to the ALJ for emergency expenditures (Ft. Peck Agency).	Local policy	If an estate does not meet the criteria for superintendent's approval of an estate expenditure they make a request to OHA for an approval.	Low	Minor
Ft. Peck Crow	Organization	Enrollment information obtained from BIA Records rather than Tribal Records.	Local Policy	Agency maintains the Tribes enrollment records.	Low	Minor
Rocky Mountain Region	Output	Sends title changes to BIA Irrigation billing system.	Procedural	Ensures that irrigation services are billed to the new heirs.	High	Minor
Chippewa-Cree	Mechanism	Title System - Maintain title information.	Procedural	Tribe maintains its own title information for easy access	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				but consistency with LTRO title information is difficult.		
Rocky Mountain Region	Input	Transcripts of other probates and other information - N/A	Procedural	Use of prior probate transcripts can increase accuracy in the preparation of a probate package.	Medium	Medium
Fort Peck Agency Crow Agency	Event	Notifications from home agencies that the updates to a decedents account have been made. This enables foreign agencies to transfer decedent interests in a timely manner.	Procedural	Can cause lease payments in a foreign agency to be collected after the IIM account is closed.	Medium	Minor
Chippewa-Cree	Role	The Tribal Realty Officer forwards all probate packages to the ALJ. No probates are heard by an ADM.	Tribal Policy	Overloads OHA's docket with cases that can be adjudicated on the record. There is no allotted land at Rocky Boy but many members own land at foreign agencies or have IIM accounts.	Medium	Minor
Rocky Boy's	Process Description	All probate hearings are conducted by the ALJ.	Tribal Policy	Overloads OHA's docket with cases that can be adjudicated on the record. There is no allotted land at Rocky Boy but many members own land at foreign agencies or have IIM accounts.	Medium	Minor



Table 4.3.1- 9 Navajo Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Office Input	FIMO - Mineral Interest Updates in RDRS Confirmations - Updates to the RDRS by FIMO at Farmington.	Court Order	This has been a very successful office. It is staffed by BLM, BIA and MMS. Questions about Navajo allotments are usually answered in a matter of minutes. Confirmations of updates are sent to BIA Agency Office.	High	Major
Navajo Region	Role	Program Support Assistant (ADM's Office) - Position is advertised and includes the requirement that the applicant speak fluent Navajo.	Cultural	Initiative to be more efficient in dealing with Navajo probates in the ADM's office.	High	Medium
Navajo Region	Organization	BIA - Hearings for Navajo frequently require an interpreter.	Cultural	Many Navajo speak only Navajo. This requires an interpreter at all proceedings.	Medium	Medium
Navajo Region	Input	Grazing permits, homesite leases and sheep units go through Tribal Court for Probate - Considered personal property.	Cultural	The grazing permits involve Tribal Trust land and are based on families' historical use of certain grazing lands and associated with a certain number of sheep units. It is based on a use plan	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				developed some years ago with the BIA.		
Navajo Region	Mechanism	Case Status Logs - most offices create their own tracking logs and no standard mechanism exists.	Local Policy	Where stand alone systems are created, the complexity and investment in information support increases, without a corresponding benefit (increase in utility).	High	Minor
Navajo Region	Mechanism	I & H Cards - Use as reference but they are no longer updated.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. They are not being kept current but are used for historical reference.	Medium	Medium
Navajo Region	Mechanism	A & E Cards - Use as reference but they are no longer updated.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. If they have not been updated they can only be used for original allotment laws.	Low	Medium
Navajo Region	Output	Approved Expenditures - Requests are very rare.	Local Policy	If an estate does not meet the criteria for superintendent's approval of an estate expenditure they make a request to OHA for an approval.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Office	Regional Office - N/A	Organizational	All Tribes are represented by an Agency and the regional office does not have to do close trust estate process.	Low	Minor
Navajo Region	Control	Superintendents/Field Representatives Review - No Superintendents.	Staffing	All issues normally approved by the Superintendent has to go to the Regional Office. Has also created a lack of coordination between branches at the agency.	High	Medium
Navajo Region	Role	Superintendent/Field Representative - Summary Distributions - Not currently being done.	Staffing	No agencies in the Navajo region have a Superintendent.	High	Medium
Navajo Region	Role	Line Official - No Superintendents.	Staffing	All issues normally approved by the Superintendent has to go to the Regional Office. Has also created a lack of coordination between branches at the agency.	High	Medium
Navajo Region	Role	Regional Realty officer does many of the duties of the line official e.g. approves changes and distributions. All agencies send to the Regional realty office.	Staffing	All agencies, except for Eastern Navajo Agency, use the Regional Realty Officer as the line official for approval of changes and	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Eastern Navajo has a Realty Specialist that performs both functions.		distributions. Eastern Navajo has a Realty Specialist that performs both functions.		
Navajo Region	Organization Role Office Obligation	Tribal Enrollment Office - Provides information on Tribal enrollment, common law marriages, adoptions, paternity cases, and divorces.	Tribal Code	Tribal Court makes determinations on marriage, adoption and divorce. These determinations are not always consistent with records in Tribal enrollment.	Medium	Major
Navajo Region	Input	Uses Tribal Vital Statistics instead of county.	Tribal Policy	Tribal Court (Makes determinations on adoptions and divorcees and these statistics are supposed to be kept by Tribal enrollment. However, there are usually inconsistencies between the courts records and Tribal enrollment.	Medium	Medium



Table 4.3.1- 10 Southwest Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Mechanism	A & E Cards - cards are called ID cards.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being maintained and used.	Medium	Medium
Southwest Region	Mechanism	A & E Cards - update of these are crucial to accurate probates. Agencies are currently updating these as time permits.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being updated by the agency as time permits.	Medium	Medium
Southwest Region	Mechanism	I & H Cards - update of these are crucial to accurate probates. Agencies are currently updating these as time permits.	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being updated by the agency as time permits.	Medium	Medium
Laguna Agency	Role	Administrative Officers prepares the journal voucher and the Probate Assistant reviews it before forwarding to OST/OTFM.	Local Policy	Preparation of the Journal voucher is normally done by Probate staff that are more familiar with probate decisions. A new administrative officer at this agency would require some time to learn this process.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Obligation	OHA Instructions for Probates submitted - Defines the order of documents to be included in the OHA-7 package.	Local Policy	Provides the agency probate staff clear guidance on what should be included in the Probate package and in what order.	Medium	Minor
Southwest Region	Role	Regional Probate Specialist - Occasionally appointed as Guardian Ad Litem (objective 3rd party representative for non-comp mentis, minors etc.).	Local policy	Is being appointed guardian for non-compos mentis, which should be a social worker function.	Medium	Minor
Ute Mountain Agency	Input	This Agency produces their own Inventories.	Procedural	Agency has been working off agency records to produce inventories because we have been off line and unable to receive them from the Region.	High	Minor
Southwest Region	Input	Only revenue producing properties are appraised. The value of all other properties is computed using a location-specific algorithm or omitted entirely.	Procedural	Using an arbitrary formula for determining the value of lands fails to provide heirs and devisees with a reasonable assessment of their inherited trust interests. In states where probate code orders a biased distribution of assets, arbitrary formulas do not provide the Deciding Official with the	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				information required to distribute estate assets in accordance with state statute.		
Southwest Region	Control	Probate Checklist - Checklist to ensure completeness of Probate package.	Procedural	Checklist provided by the Regional Office to assure the probate package is complete before forwarding to the Regional Probate Specialist.	Medium	Minor
Southwest Region	Control	Agency Supervisory Review - Review of probate package by probate clerks supervisor before submitting to Superintendent/Field Representative for review.	Procedural	Increases the accuracy of probate packages from the agency but increases the time to process.	Medium	Minor
Southwest Region	Event	Only acceptable form of death is the Certified Death Certificate in this region.	Procedural	May cause delays if the death certificate is difficult to obtain. There are other acceptable forms of documentation outlined in 25 CFR.	Medium	Minor
Southwest Region	Input	For all deceased heirs the region requires a copy of their probate & Tribal enrollment number.	Procedural	Increases the accuracy of the probate package.	Medium	Minor
Southwest Region	Input	Disclaimers (Renunciations) - All Renunciations go to ALJ.	Procedural	Renunciations from a Non-Indian can be taken by an	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				ADM. This may be causing cases that could go to the ADM to be heard by an ALJ.		
Southwest Region	Input	ALJ want source of funds listed and adoptive natural parents listed.	Procedural	Increases the accuracy of the decision and requires fewer contacts with the agency to clarify these issues.	Medium	Minor
Southwest Region	Role	Probate Clerk uses old probate transcripts that are on file, but has not requested any new transcripts.	Procedural	This appeared to be because they did not know they could request the transcripts.	Medium	Minor
Southwest Region	Mechanism	IRMS is not used within the Southwest Region. Agency-specific spreadsheets and manual records are used in its place.	System constraints	The use of Agency-specific, paper-based mechanisms increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	High	Medium



Table 4.3.1- 11 Western Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region Colorado River	Input	Uncertified TSR - Colorado River has access to them.	Court Order	Colorado River is the only agency in Western Region that has access to the Uncertified TSR. This allows them to verify title changes have been completed and the case can be closed.	Medium	Major
Western Region	Output Obligation	Notice to interested parties (25 CFR 15.203 c (1)) - Send copies of the wills if the DO is the ADM.	Local Policy	To the extent that wills are considered personal and confidential, sharing wills with interested parties conflicts with 5 USC 552a.	High	Minor
Pima Agency	Mechanism	I & H Cards - Electronic Version	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being maintained and kept in electronic format.	Medium	Medium
Salt River Field Office Pima Agency	Mechanism	A & E Cards are automated	Local Policy	Since BIA internet access was lost in late 2001 these cards have been very useful. These cards are being maintained and kept in electronic format.	Medium	Medium
Western Region	Role	Paralegal (OHA) has not provided	Local Policy	WRO doesn't appear to	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		any transcripts in last couple of years.		know they could request a transcript to help prepare a probate of a related decedent.		
Western Region	Obligation	Probate File Order - Identifies the sequence of documents to be included in the probate package.	Local Policy	Provides the agency probate staff clear guidance on what should be included in the Probate package and in what order.	Medium	Minor
Western Region	Obligation	Death Report Policy - Indicates what elements need to be included on the report and who is to be notified of death.	Local Policy	Provides the agency probate staff clear guidance on what should be included on the death report and the offices that need to be notified of a death.	Medium	Minor
Western Region	Output	Transcripts - Transcripts are only produced when appealed to the IBIA or for the convenience of another ALJ.	Local Policy	Accommodates appeals to the IBIA and other ALJs when adjudicating another related probate.	Medium	Minor
Western Region	Output	Notice to the Tribes of the death of an enrolled member.	Local Policy	Informs Tribal credit programs so they will have the opportunity to file a claim.	Medium	Minor
Western Region	Organization	OHA offices serving these regions sends the decision to OST/OTFM - Because they are an interested party.	Local Policy	This does not appear to be necessary because the Agency will send the decision and journal	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				vouchers for the distribution of the decedents funds.		
Western Region Colorado River	Output	When requested, these agencies send heirs cards identifying inherited allotments, interest and income.	Local Policy	Beneficiary service.	Medium	Minor
Western Region	Beneficiary Involvement Input Output	Advises non-Indian heirs of their option to renounce their inheritance.	Local Policy	Early notification to a non-Indian heir of their option to renounce their share of trust land.	Low	Minor
Western Region	Office	Regional Office - N/A	Organizational	All Tribes are represented by an agency and the Regional Office does not have to do close trust estate process.	Low	Minor
Western Region	Inter-process Relationship	Appraisals are not performed for property included in Probate estates. An arbitrary formula is used instead.	Procedural	While neither Nevada nor Colorado require a biased distribution of an estate, the use of an arbitrary formula for determining the value of estate Trust interests misleads heirs and devisees as to the value of inherited interests.	High	Medium
Uintah & Ouray Agency	Mechanism	Mortuaries/Memorial Cards - funeral homes are providing	Procedural	Expedites the probate process by making certified	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		certified copies of the death certificate.		copies of death certificates readily available.		
Western Region	Control	Review of OST/OTFM disbursements, distributions prior to closing the probate case.	Procedural	Assures all disbursements and distributions have been made before closing the case.	High	Minor
Western Region	Input	This Region is using older transcripts, but not currently requesting them for use in current probate.	Procedural	Use of prior probate transcripts on hand increases accuracy in the preparation of a probate package.	Medium	Medium
Western Region	Input	Appraisals - Estimated arbitrary assessed value of the Trust Assets for probate purposes.	Procedural	Region uses a formula that may not take into account type or location of property.	Medium	Medium
Colorado River Agency	Mechanism	BIA Indian services is providing copies of birth certificates, death certificates and copies of the base roll.	Procedural	Provides easy access to some of the documentation needed to complete a probate package (birth certificate, enrollment information, death certificates).	Medium	Minor
Fort Yuma Field Office Pima Agency	Event	Agency/Field Office does not receive confirmation of Distributions/disbursements.	Procedural	Can cause additional efforts by the probate clerk in trying to confirm trust funds distributions/disbursements before closing the case.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region	Control	Superintendents/Field Representatives Review - Realty Officer does Review.	Procedural	Realty Officer is not as familiar with Tribal and family issues as the Superintendent.	Medium	Minor
Western Region	Mechanism	TFAS - Using to verify disbursements and distributions have been made.	Procedural	System is used to verify disbursements and distributions have been made before closing the probate.	Medium	Minor
Colorado River Tribe Fort Yuma Field Agency	Mechanism	Tracks income with Income cards (income associated with allotment and leases) rather than IRMS.	System constraints	The use of Agency-specific, paper-based mechanisms increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	High	Medium

Table 4.3.1- 12 Pacific Region Probate Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Pacific Region	Role	Paralegal (OHA) has not provided any transcripts in last couple of years.	Local Policy	Minimal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Palm Springs Field Office	Predecessor	Appraisals are only requested for the Palm Springs Field Office. All other agencies and field offices use arbitrary formulas for valuing estate properties.	Procedural	While California does not require a biased distribution of an estate, the use of an arbitrary formula for determining the value of estate Trust interests misleads heirs and devisees as to the value of inherited interests.	High	Medium
Pacific Region	Mechanism	Probate Logs - all keep some sort of log but there is no standard tracking system. Most offices have created their own.	Procedural	Where stand alone systems are created, the complexity and investment in information support increases, without a corresponding benefit (increase in utility).	High	Minor
Pacific Region	Input	Transcripts of other probates and other information - N/A	Procedural	Use of prior probate transcripts can increase accuracy in the preparation of a probate package.	Medium	Medium
Southern California Agency Central California Agency	Mechanism	Family Court - Used to obtain adoption, marriage and divorce papers.	Procedural	Family courts provide an additional means of obtaining information required to compile a complete and accurate OHA-7 form.	Medium	Minor
Pacific Region	Mechanism	IRMS - N/A	System Constraints	The use of Agency-specific, paper-based mechanisms	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				increase the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.		
Pacific Region	Office	Consortium Probate Specialist working out of the Regional Office, but performing duties relating to the Consortium of Six Tribes.	Tribal Policy	Consortium of six Tribes contracted probate and hired one probate specialist. The probate specialist works out of a Pacific Regional Office.	Medium	Medium



4.3.2 Title Services, Acquisition & Disposal (T)

4.3.2.1 Title Services, Acquisition & Disposal Summary Process Description

The overall process starts with: Receive request for Title maintenance or information, Trust acquisition, conveyance or disposal, rights of way or mortgages

It ends with: Issue Title information.
Update to LTRO/TSO and Agency/Tribal title records.

Title Services, Acquisition and Disposal includes all activities required to record and report on the status of title as well as those activities associated with acquiring, conveying and disposing of interests in Trust, Restricted or allotted lands. In addition, Title services include all management efforts associated with Rights of Way (ROWs), easements, service line agreements, mineral access agreements and/or condemnation agreements.

Title Services, Acquisition and Disposal processes include:

- a) Acquire Trust Lands - the transfer of lands held in Fee to Trust or Restricted status;
- b) Trust to Trust Transactions- the conveyance of a Trust interest between beneficiaries;
- c) Dispose of Trust Lands - the transfer (or sale) of Trust or allotted lands to Fee status;
- d) Rights of Way and Easements - the process of granting and administering ROWs, easements, Service Line Agreements and Mineral Access Agreements;
- e) Mortgages and Assignments - the process of administering beneficiary requests to use Trust interests or income to obtain financing;
- f) Maintain Title - all Agency/Tribal and LTRO/TSO activities required to maintain a complete and accurate record of Title;
- g) Produce TSR - the activities required to produce Title Status Reports; and
- h) Produce Estate Inventory - the activities required to produce a Certified Estate Inventory (BIAINV) or an Individual Indian/Tribal Trust Interest Report (ITI).

Title recordation is an administrative function and is responsible for maintaining a complete, current and accurate inventory of trust assets, ownership and monetary interest in those assets and asset utilization. Title Status Reports and Estate Inventories provide beneficiaries and DOI staff with current and accurate information upon which to base Trust business decisions.

ROWs, mortgages, leases and other forms of encumbrances represent obligations that, once the conveyance is approved, must be satisfied before any conflicting activities can be undertaken that affect the encumbered parcel. ROWs, easements and mineral access agreements are typically granted in return for monetary or other valuable consideration and represent a significant income source for beneficiaries.

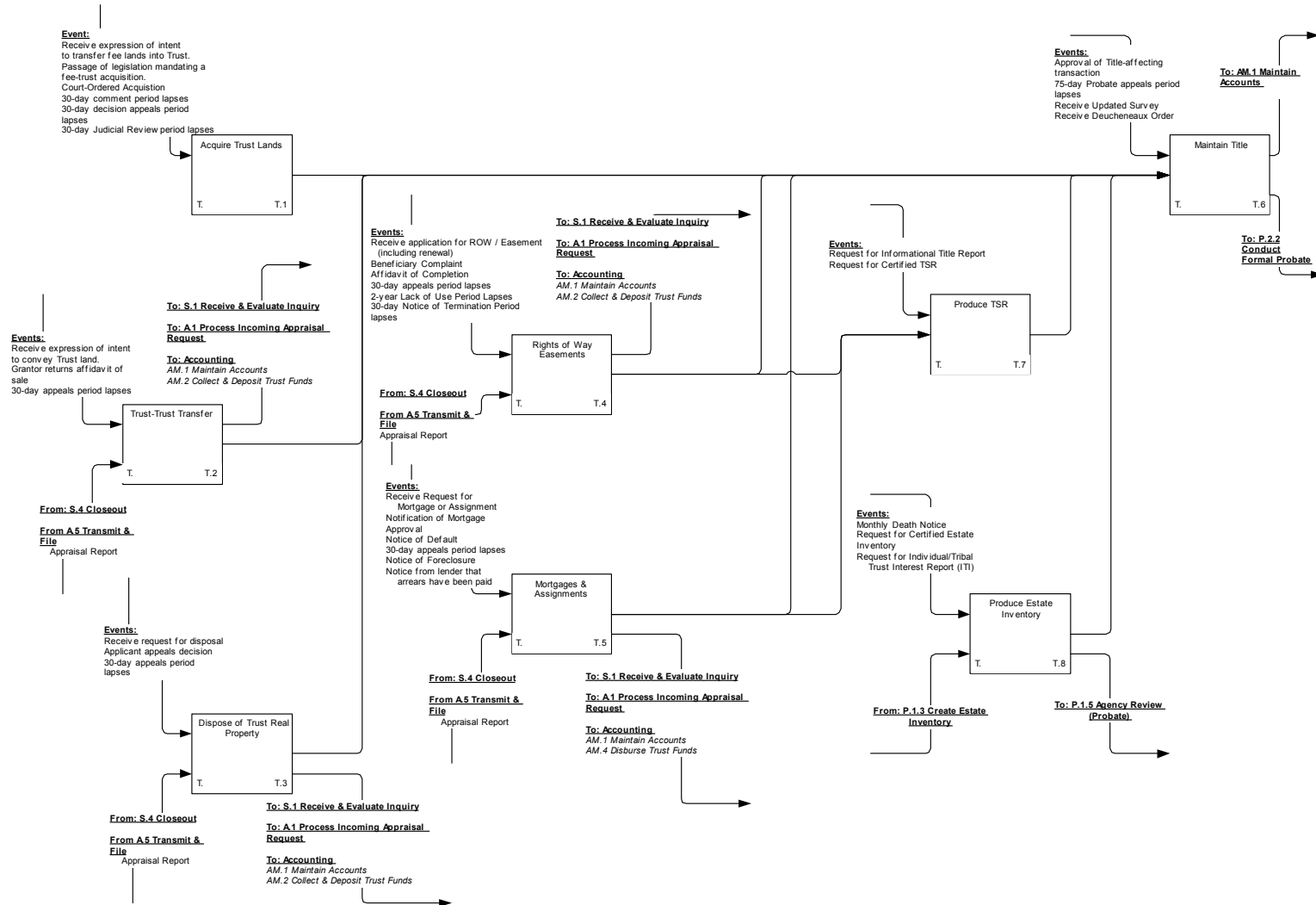


Figure 4.3.2- 1 Title Services, Acquisition & Disposal High-Level Diagram



Title Services, Acquisition & Disposal Objectives

These processes are performed to ensure that the Department keeps a complete, current and accurate record of Trust lands (including Tribal, allotted and Restricted Fee lands), the use of those lands and the ownership and monetary interests that beneficiaries hold in those lands.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to Title Services, Acquisition & Disposal are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.3 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.

c) Strategic Goal 4 – Trust Fund Assets

Manage Trust fund assets consistently with legal and fiduciary responsibilities, ensuring timely and productive use of the assets.

Objective 4.2 Collection, Disbursement, and Accounting of Funds

Collect, disburse, and account for funds associated with Trust assets accurately and on a timely basis.

c) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI Trust management responsibilities.

Objective 6.2 Accounting

Develop and maintain accounting activities that are integrated, provide necessary functionality, and contain appropriate interfaces to support effective and efficient Trust management.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.2.2 Acquire Trust Lands (Fee-Trust) (T.1)

- Starts with: Receive request for Fee-Trust acquisition or
Receive notice that acquisition legislation has been passed or
Receive court order mandating Fee-Trust acquisition.
- Ends with: Transfer title from Fee to Trust or
Issue notice of deficiencies or denial.

Upon receipt of an application to transfer a tract of fee land, or an undivided fee interest in Trust land into Trust or Restricted status, BIA first evaluates the authority under which the application was made. Applications can be based upon the Department's discretionary authority, or they can be mandated by court orders or federal legislation. An environmental assessment and an analysis of current encumbrances will be performed for acquisitions subject to the Department's discretionary authority. The results of this assessment are then forwarded to state and local governments with a standard notice offering taxing authorities and other interested parties an opportunity to comment on the proposed acquisition. After obtaining a preliminary opinion on the quality of the title claim, BIA will address any issues identified in the opinion or in the comments from state and local governments and make a determination regarding the application. In the event that a Departmental decision is reached to accept fee land, or an undivided fee interest in land into trust status, a public notice will be published, offering all interested parties an opportunity to comment on the intended acquisition. Only after all comments have been addressed a final title opinion will be issued and the land will be transferred into Trust and removed from local tax rolls.

All discretionary applications involving gaming or gaming-related considerations must be approved by the Assistant Secretary for Indian Affairs. Other discretionary applications involving off-reservation acquisitions are typically approved by the Regional Director after a review by the Assistant Secretary's office.

No environmental assessment is performed for applications mandated by federal court orders or federal statutes, nor is there any solicitation of comments from state and local governments. Instead, mandatory acquisitions are finalized after a review of the title opinion and any comments provided as a result of the general public notice.

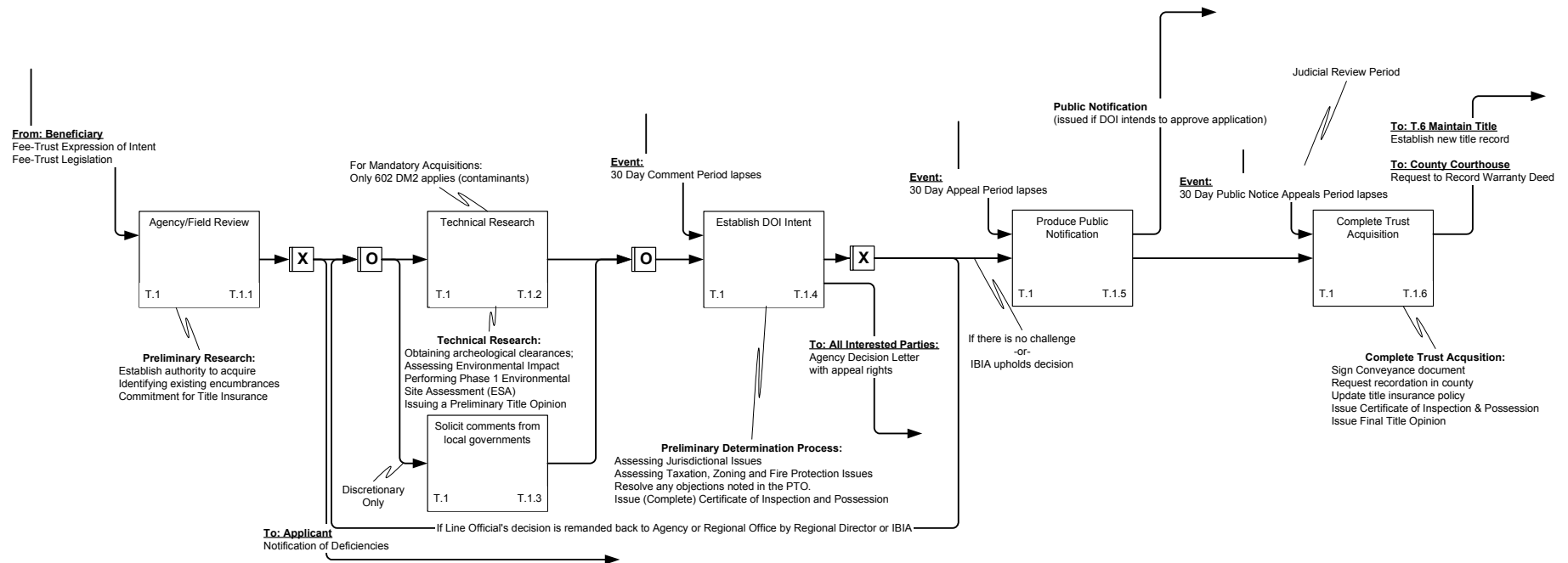


Figure 4.3.2- 2 Acquire Trust Lands (Fee-Trust) IDEF(3)



Beneficiary Involvement for Acquire Trust Lands (Fee-Trust)

Individual beneficiaries are required to obtain a Commitment for Title Insurance. All beneficiaries (individual and Tribal) are required to purchase the title insurance before a new deed is issued. All beneficiaries are also responsible for perfecting title (including liens, clouded title, etc.) for a tract before that tract will be brought into Trust. In the event there are significant adverse comments from state & local governments, the beneficiary is provided an opportunity to provide a rebuttal and further justification. Beneficiaries also provide survey and appraised value of the parcel.

Beneficiaries are responsible for recording deed with State/Local/County Recorders Office and forwarding the title insurance policy, indicating title is held by the U.S. government, to BIA.

Acquire Trust Lands (Fee-Trust) Significant Notes

- a) Coordinating with state and local authorities is labor intensive and time consuming. A Memorandum of Understanding has been developed with the State of Nevada under which the State created a clearinghouse for Fee-Trust requests. This clearinghouse coordinates the responses from all state & local offices and ensures that they are returned in a timely manner.
- b) The current process takes an extended period of time, increasing the economic burden to the beneficiary. There are several sequential public review and appeal periods, which provide state and local governments multiple opportunities to comment on the proposed acquisition.
- c) There is a shortage of trained realty staff in the Agencies and Field Offices. There is no formal Realty training program established for entry, intermediate and advanced training needs.



Acquire Trust Lands (Fee-Trust) Detail Description

Agency Review (T.1.1)

Starts with: Receive application for Fee-Trust acquisition from a beneficiary or
Receive notice of legislation authorizing Trust acquisition or
Receive court order mandating Trust acquisition.
Ends with: Review of application package.
Issue Notice of Deficiencies to Beneficiary

During the Agency Review, the application, Tribal Resolution or other written form of applicant's expression to convert fee land, or an undivided fee interest in land into trust or restricted status, BIA evaluates the authority under which the proposed acquisition can be accomplished and reviews the Commitment for Title Insurance for any issues which may prevent the Department from assuming responsibility for the property.

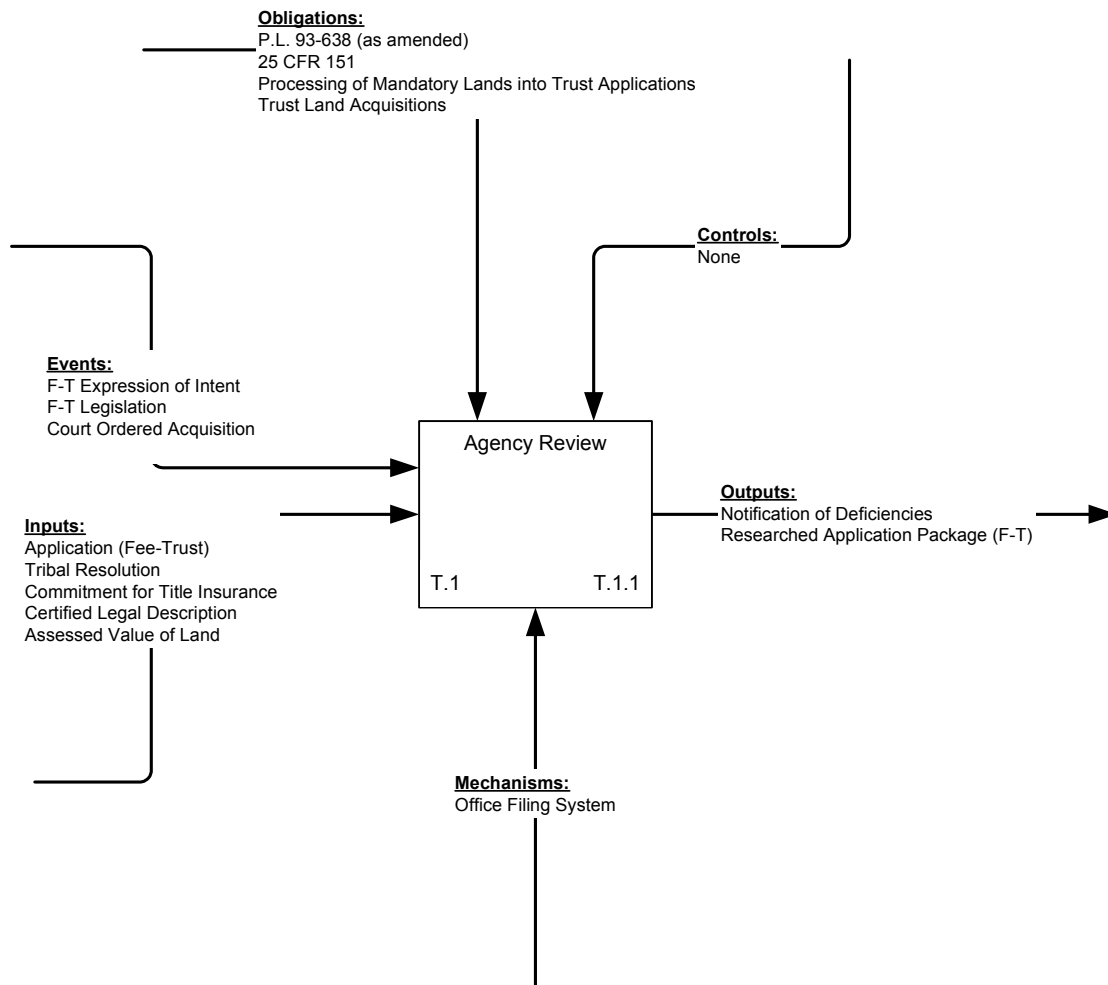


Figure 4.3.2- 3 Agency Review IDEF(0)



Technical Research (F-T) (T.1.2)

Starts with: Receive reviewed application package.

Ends with: Issue agency recommendation regarding Trust acquisition to the beneficiary
or
Issue Notice of Deficiencies to the beneficiary.

Technical Research includes a review of archeological and environmental issues that impact the parcel. While the environmental assessments are being performed, the application is forwarded to the Solicitor's Office for a Preliminary Title Opinion (PTO). This opinion addresses the quality of the beneficiary's claim to the property and assesses the impact of title-related issues.

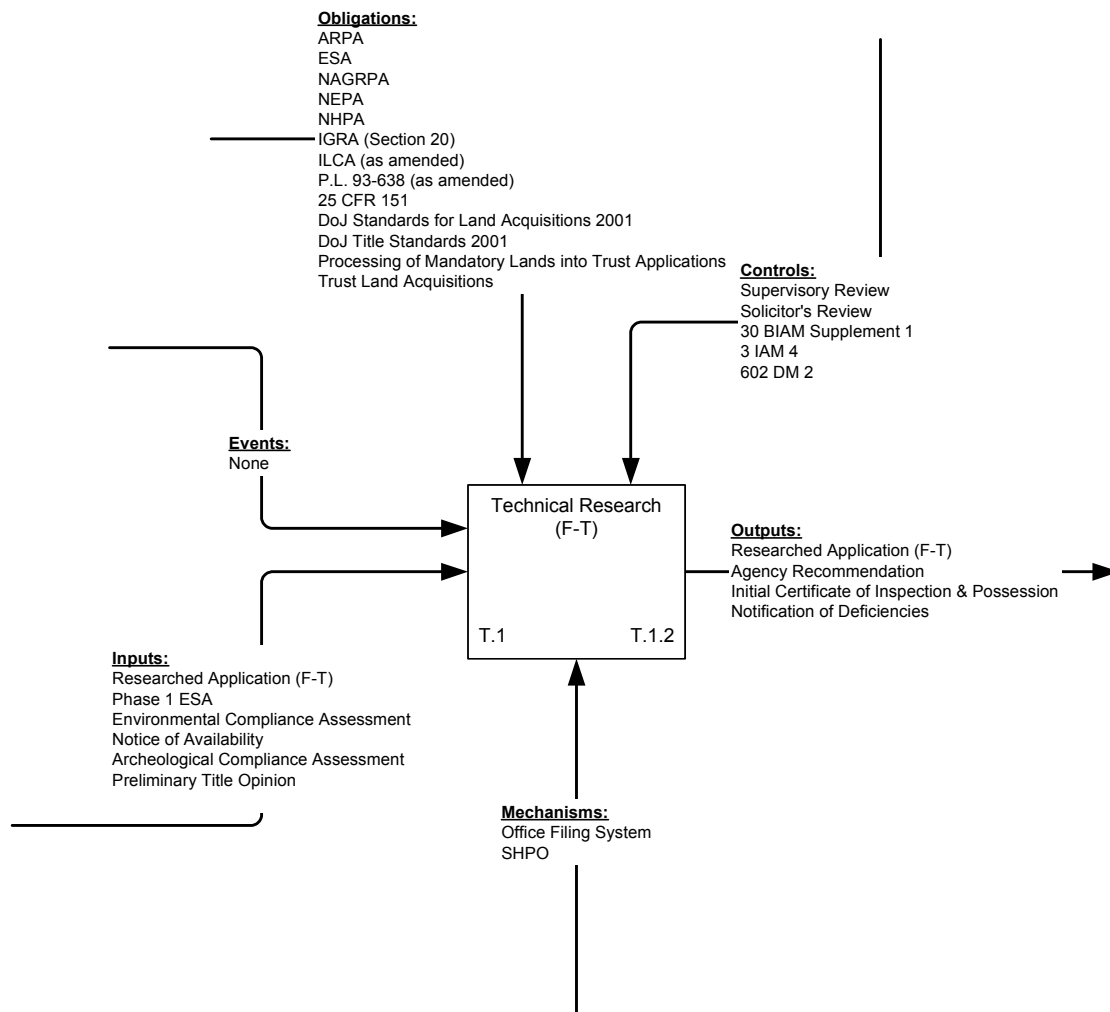


Figure 4.3.2- 4 Technical Research (F-T) IDEF(0)

Solicit Comments (T.1.3)

Starts with: Receive agency recommendation.

Ends with: Issue solicitation of comments to state and local governments.

A notification is sent to state and local governments indicating that an application for a Fee-Trust transaction has been received from a beneficiary. The notification requests a statement of prior year's taxes, zoning classifications and a description of the basic government services that are being provided. The notice also provides state and local governments and other interested parties with an opportunity to comment on, or object to, the proposed acquisition.

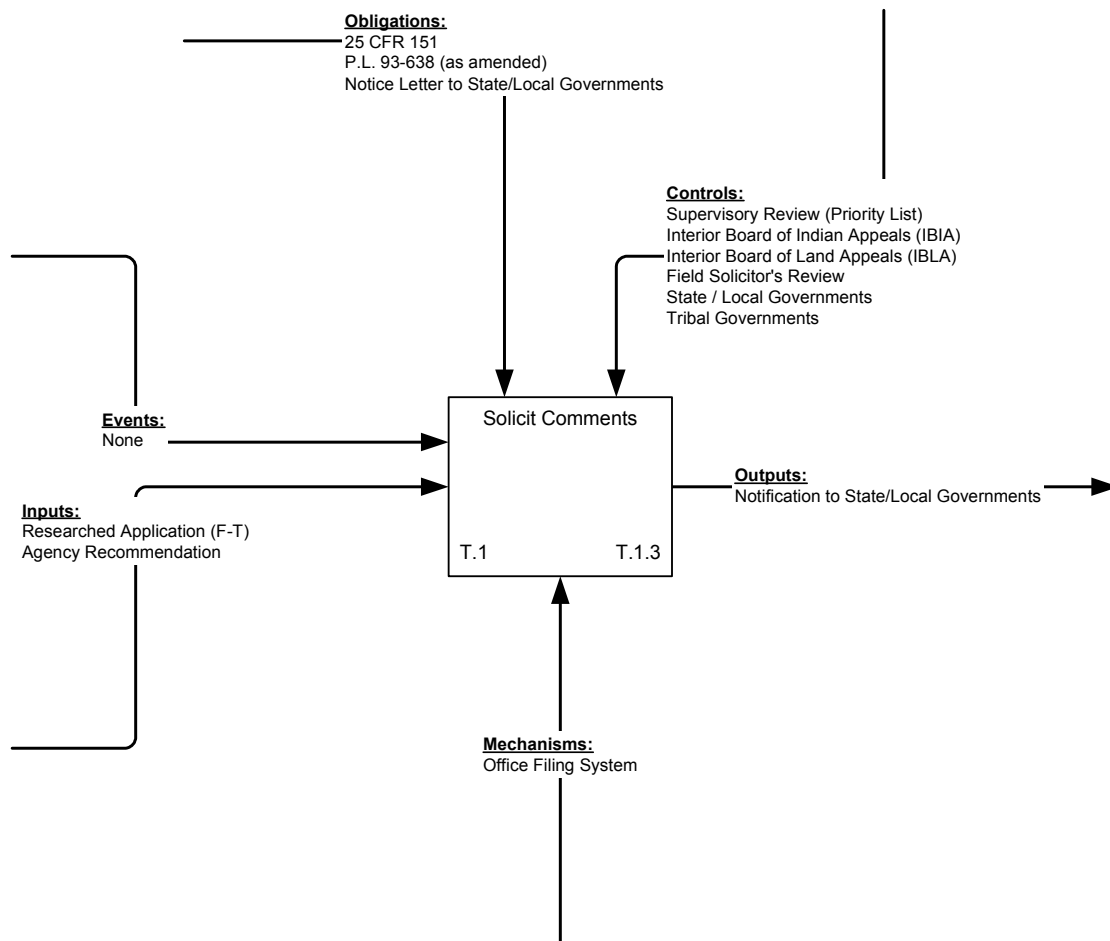


Figure 4.3.2- 5 Solicit Comments IDEF(0)

Establish DOI Intent (T.1.4)

Starts with: Expiration of 30-day comments period or
Receive comments from state and local governments.
Ends with: Issue decision letter regarding Trust acquisition to all interested parties.

Based upon the review of the application a recommendation is made as to whether the acquisition should be approved. The recommendation is based on the merits of the application and its compliance with 25 CFR 151, including environmental assessment, the preliminary title opinion and any comments from state and local governments. The BIA Line Official reviews the recommendation and issues a decision letter indicating the Department's intent regarding the application.

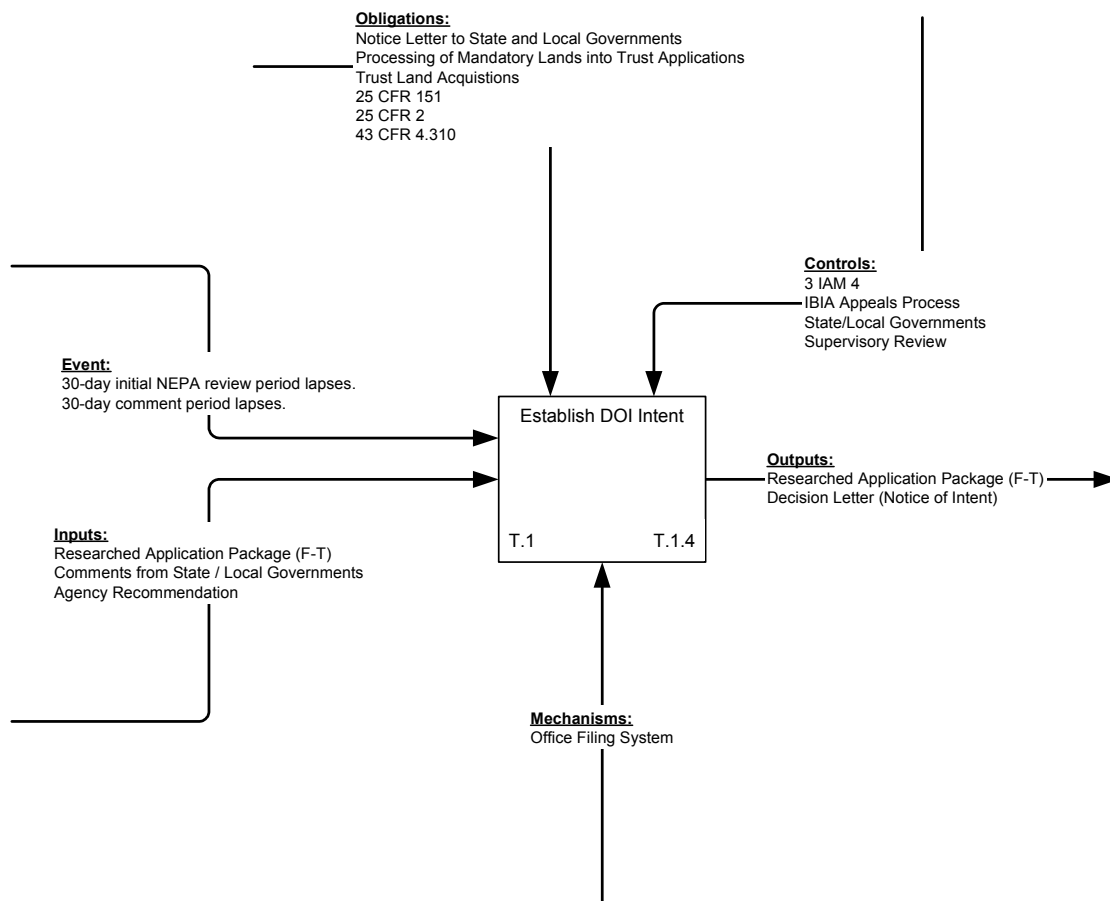


Figure 4.3.2- 6 Establish DOI Intent (F-T) IDEF(0)



Produce Public Notification (T.1.5)

Starts with: Line Official decision to proceed with acquisition or
Receive IBIA order to proceed with acquisition.

Ends with: Issue public notice.

If the Department issues a decision letter and intends, or is ordered, to take a Fee parcel or interest into Trust, it publishes that intent in the federal register or in newspaper(s) of local circulation. This publication provides the general public with 30 days during which they can comment on, or object to, the proposed acquisition.

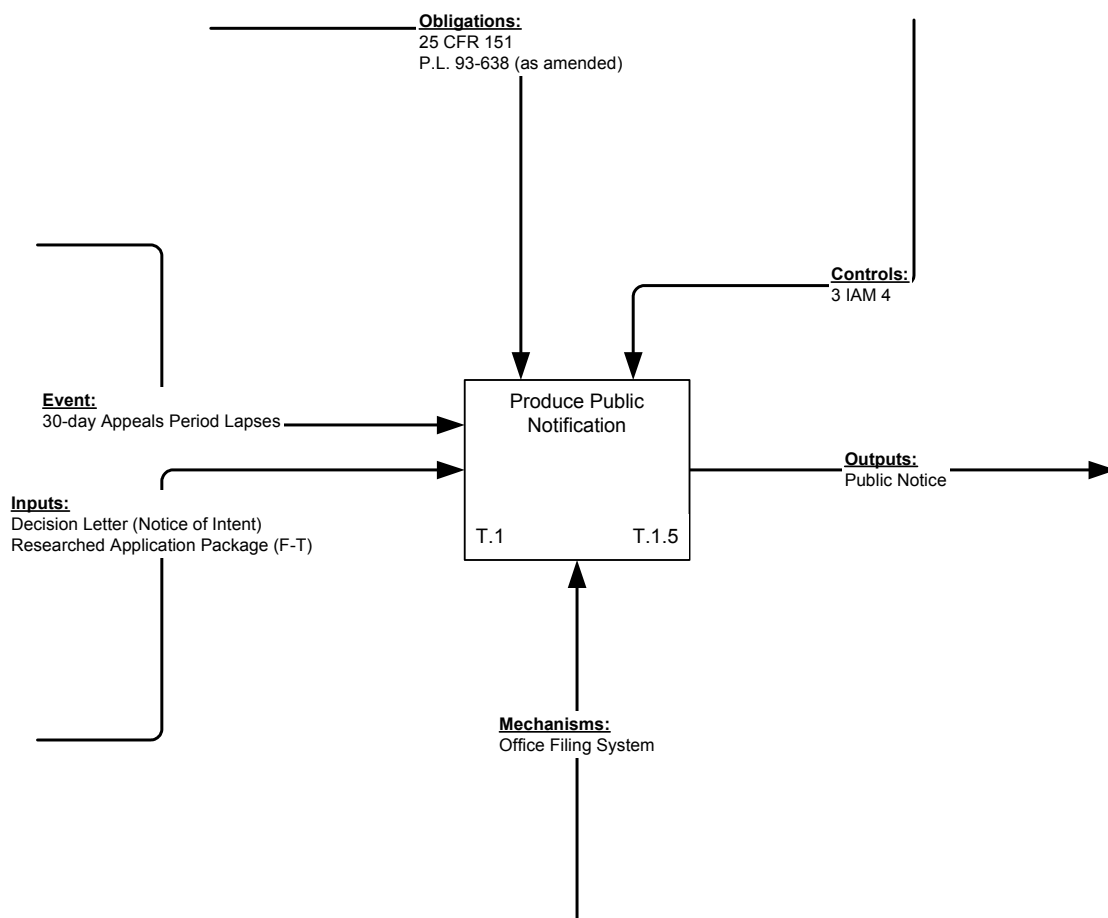


Figure 4.3.2- 7 Produce Public Notification IDEF(0)



Complete Trust Acquisition (T.1.6)

Starts with: Expiration of 30-day judicial review period.
Ends with: Approval of conveyance document.

The final step of the acquisition process where the conveyance document is signed, the Title Insurance Policy is updated, a Final Title Opinion is issued and the Final Certificate of Inspection and Possession is issued. A complete application package is forwarded to the LTRO/TSO for the establishment of a new Trust record.

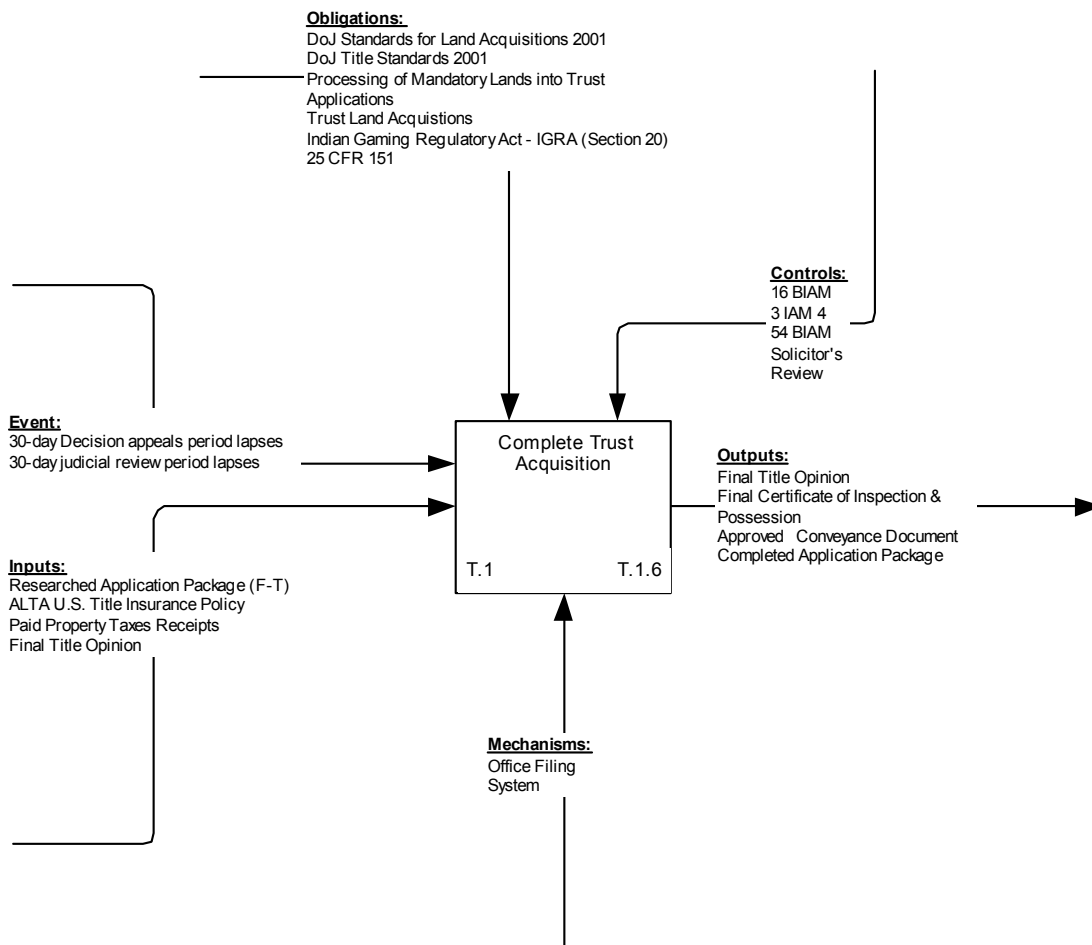


Figure 4.3.2- 8 Complete Trust Acquisition IDEF(0)



4.3.2.3 Trust-Trust (T-T) Transaction (T.2)

Starts with: Receive request for Trust to Trust transfer.

Ends with: Approve conveyance document or
Issue Notice of Deficiencies or Denial to the beneficiary.

Trust to Trust transactions convey interests in Trust or Restricted land, in Trust or Restricted status, to another beneficiary. Trust to Trust applications are only processed if they are received from the grantor. Title Status Reports (TSRs) are reviewed for each affected parcel to identify encumbrances that represent financial obligations. A list of these obligations is provided to both parties. At the same time, BIA counsels the applicant on the anticipated economic impacts of the transaction and makes a recommendation as to whether the transaction is in the beneficiary's best interest. Trust to Trust transactions can also be processed where is no monetary compensation involved, such as gift deeds.

The grantor and grantee negotiate the terms and conditions of the conveyance and provide the BIA with a statement of intent regarding the proposed transaction. In the event the beneficiaries choose to proceed, BIA makes a formal determination as to whether the transaction appears to be clearly justified in the light of the long range best interests of the owner or owners. This determination is based on the intended use of the land, any monies offered in consideration for the Trust interest, and the beneficiaries' ability to meet ongoing obligations in the event that the transaction is approved.

In the event that the Department intends, or is ordered, to approve the application, monies offered in consideration are collected and deposited by BIA into the FFS system and subsequently transferred to the grantor's IIM accounts and a document conveying ownership interest to the grantee is signed and forwarded to the servicing LTRO/TSO for recordation.

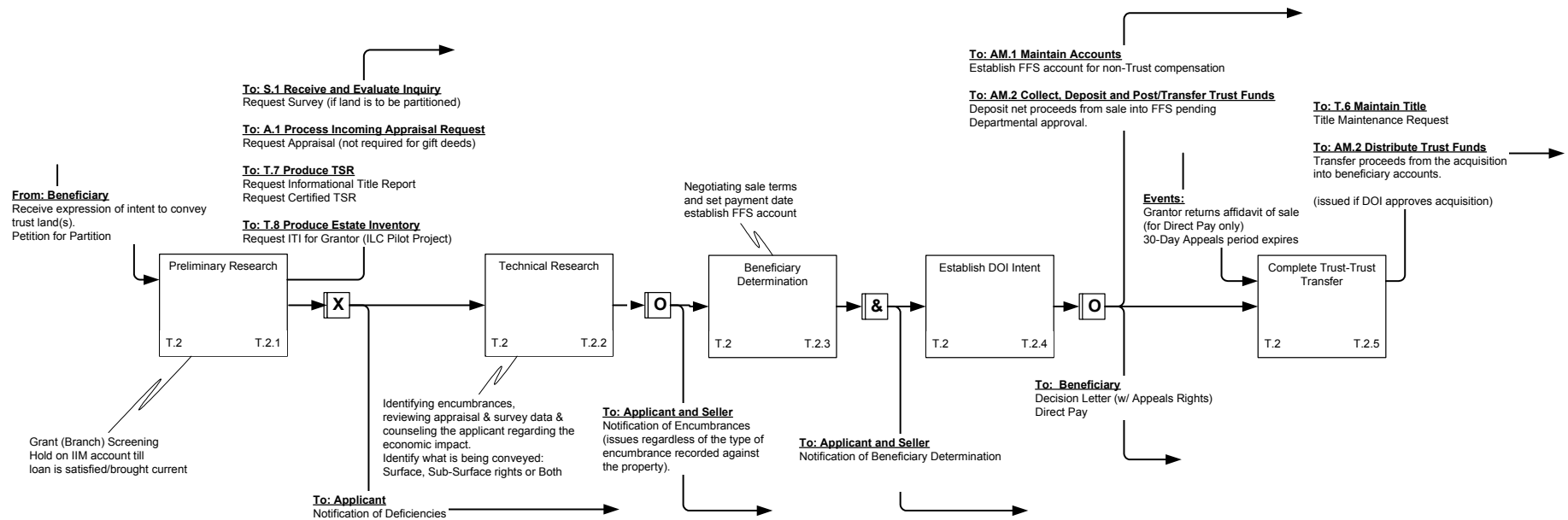


Figure 4.3.2- 9 Trust-Trust Transaction IDEF(3)



Beneficiary Involvement for Trust-Trust Transaction

The grantor must initiate the transaction. After counseling regarding the economic impacts of the transaction, beneficiaries negotiate, with advice from BIA or the Tribe, the terms of the transaction (Tribes are not permitted to counsel the beneficiary if the Tribe is a party of interest to the transaction). The grantee is responsible for providing any required consideration for the transaction. In the event that the parties agree to exchange funds directly, the grantor is responsible for providing Affidavit of Sale to BIA. The grantee may also be required to provide proof of Tribal membership or eligibility.

Trust - Trust (T-T) Transaction Significant Notes

- a) Interests in Trust lands are becoming heavily fractionated, increasing the complexity of administering those lands and reducing their utilization. In order to address this issue, Congress passed the Indian Land Consolidation Act of 1983, amended in 1991 and 2000. This act encourages Trust to Trust transfers that consolidate ownership in Trust lands and reduce fractionation.
- b) Using authority established under ILCA, Land Consolidation pilot projects are in place in a few BIA Agencies. These projects are purchasing small, undivided interests in heavily fractionated allotments. These interests are then conveyed, in Trust, to the Tribes.
- c) Surveys are being performed when Trust to Trust transfers involve a petition for partition. These surveys are not generally performed by BLM and questions have been raised as to the sufficiency of the results.



Trust-Trust Transaction Detail Description

Preliminary Research (T-T) (T.2.1)

Starts with: Receive application for Trust to Trust transfer from the grantor.

Ends with: Review Trust to Trust application or
Issue Notice of Deficiencies to the grantor.

During Preliminary Research, an application for a Trust to Trust transaction is assigned to a realty specialist and reviewed for completeness and accuracy. After obtaining an Uncertified Title Status Report, an initial review is performed to identify any financial obligations that may need to be satisfied before the interest can be conveyed to another party. A request for a Certified Title Status Report is also requested at this time from the LTRO/TSO.

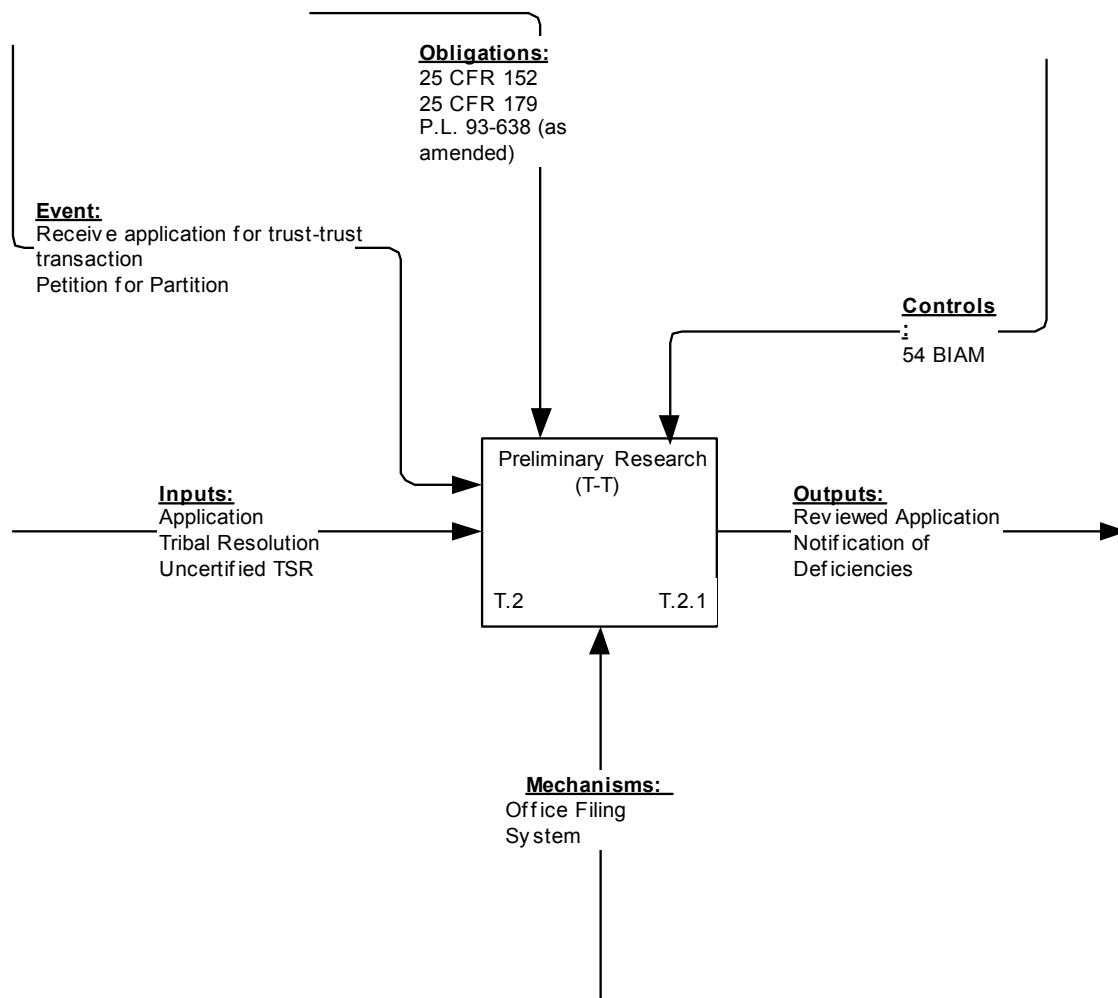


Figure 4.3.2- 10 Preliminary Research (T-T) IDEF(0)



Technical Research (T-T) (T.2.2)

Starts with: Receive reviewed application.

Ends with: Counsel applicant on financial and environmental impacts of transaction.

Technical research confirms ownership, identifies any encumbrances upon the land, establishes the economic value of the land and identifies any environmental impacts associated with significant changes in the use of the land. Using this information, Realty staff will counsel the parties on the anticipated economic impacts of the transfer and provide guidance relative to the transaction.

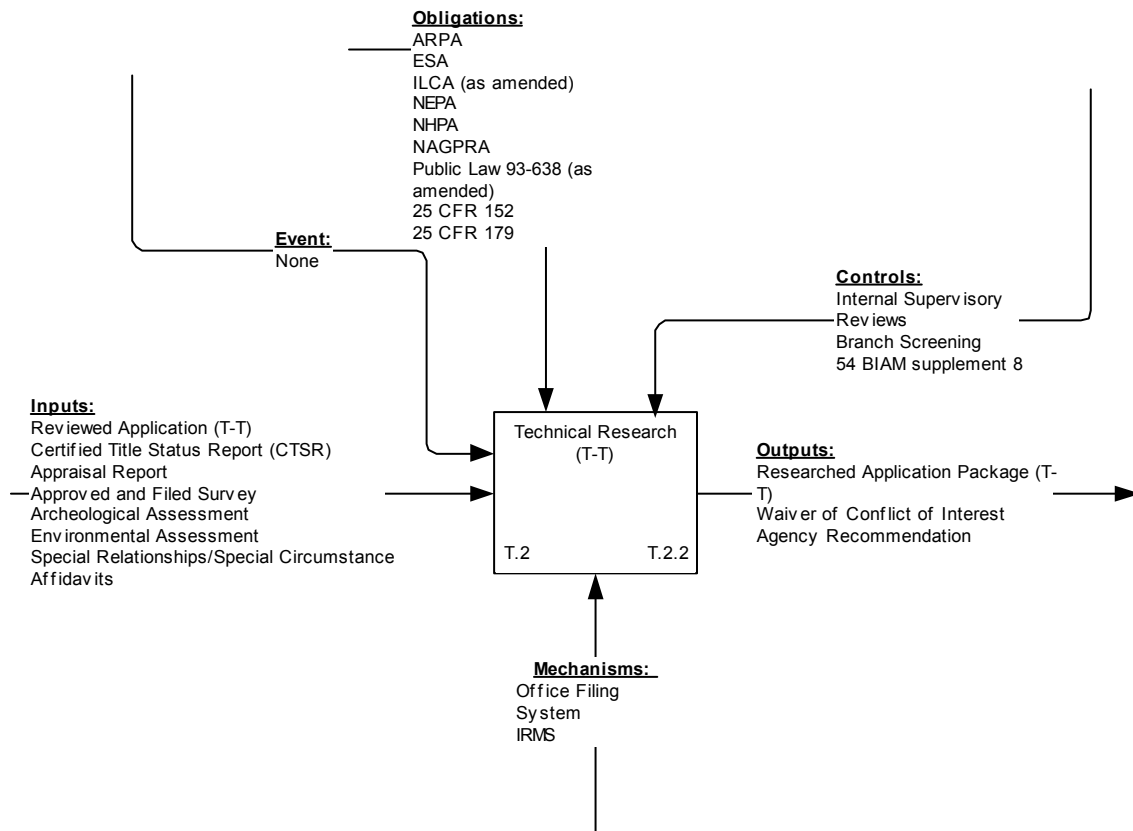


Figure 4.3.2- 11 Technical Research (T-T) IDEF(0)



Beneficiary Determination (T-T) (T.2.3)

Starts with: Receive Agency recommendation.

Ends with: Issue notice of intent regarding transaction to BIA.

The grantor and the grantee negotiate the terms and conditions of the transaction, including any consideration to be provided in exchange for the grantor's Trust interest and the form and schedule of payments. Both parties must then provide BIA with a notice of intent, together with any relevant terms and conditions, regarding the transaction.

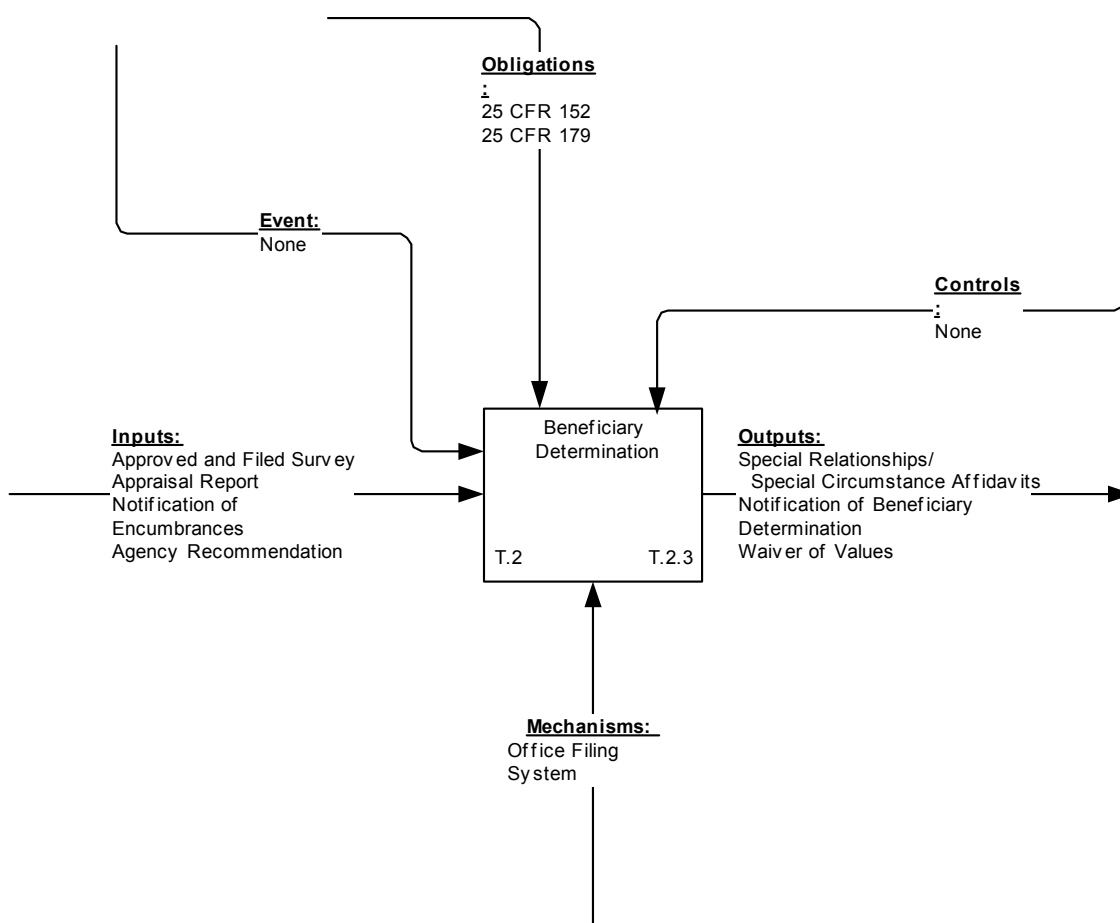


Figure 4.3.2- 12 Beneficiary Determination (T-T) IDEF(0)

Establish DOI Intent (T-T) (T.2.4)

Starts with: Receive beneficiaries' notices of intent regarding transaction.

Ends with: Issue BIA decision letter regarding transaction to the interested parties.

Upon receiving the beneficiary determination, BIA, acting in the best interest of the beneficiaries, reviews the terms and conditions of the transaction and makes a determination as to whether the transaction will be approved.

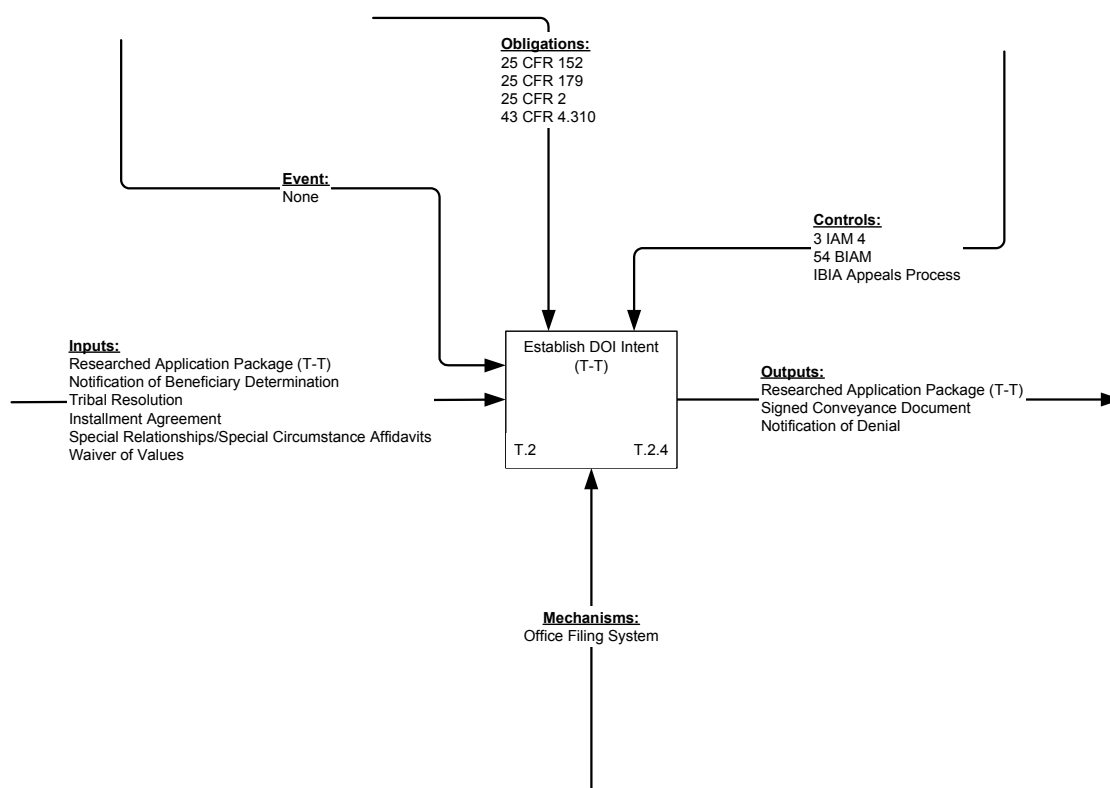


Figure 4.3.2- 13 Establish DOI Intent (T-T) IDEF(0)



Complete Trust-Trust Transfer (T.2.5)

Starts with: Issue determination to proceed with conveyance or
Receive IBIA order to proceed with conveyance.
Ends with: Request title updates.

In the event that the Department decides, or receives an order from IBIA to approve the transaction, the net proceeds of any monies offered in consideration for the grantor's interest are collected and deposited into the beneficiary's Trust account and the conveyance document is signed by the BIA Line Official and forwarded to the title plant for recordation, encoding and update of the Title record.

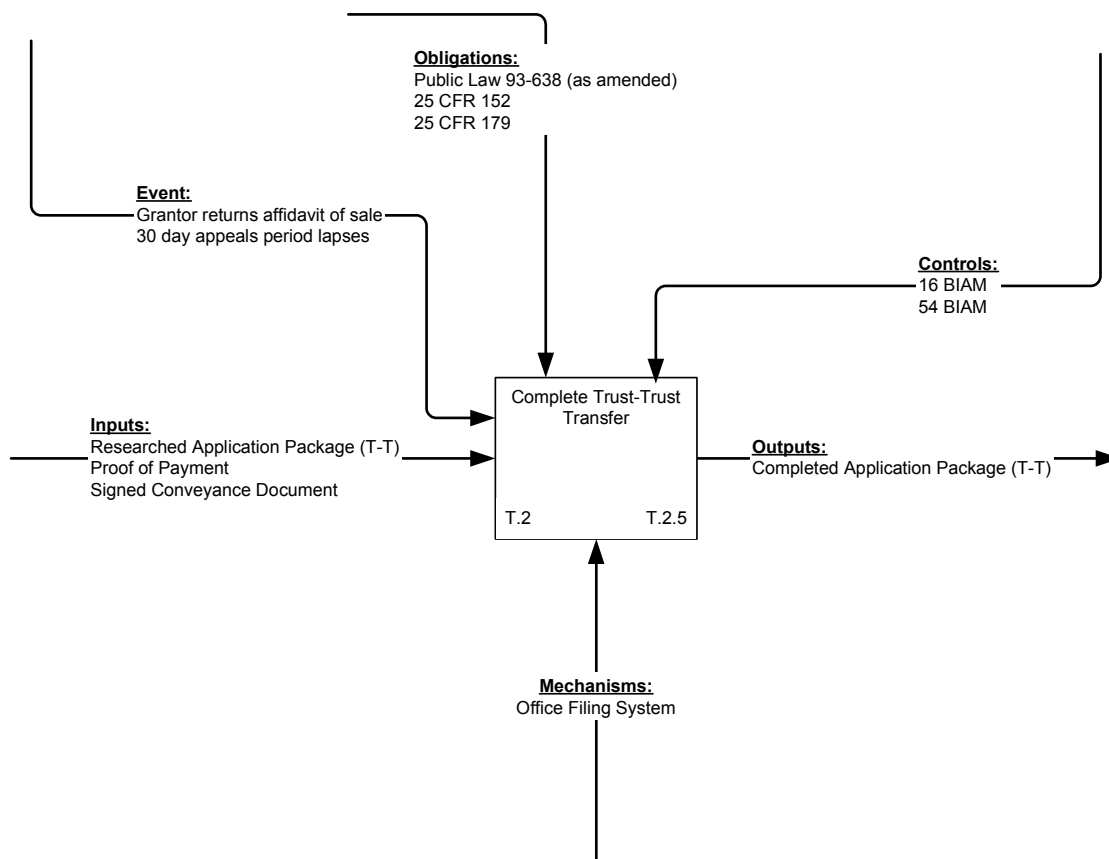


Figure 4.3.2- 14 Complete Trust-Trust Transfer IDEF(0)



4.3.2.4 Dispose of Trust Assets (T.3)

Starts with: Receive request for Disposal or Removal of Restrictions from a beneficiary or
Receive court condemnation order.

Ends with: Issue Fee patent or Conveyance in Fee document to the grantee.

A Disposal results in an Order for Removal of Restrictions from a restricted Fee parcel or the issuance of a Fee Patent on a Trust parcel or a Trust interest in a parcel of land. These activities begin when an application, or expression of intent, is received from the grantor. BIA first reviews and counsels the applicant regarding the anticipated economic impacts of the transaction. BIA also informs the applicant that he/she will assume all tax liabilities and responsibilities associated with managing/administering the land. For interests to be disposed of through a negotiated or advertised sale, BIA reviews the terms and conditions of the agreement with the beneficiary.

Using this information, BIA will make a formal determination as to whether the final terms and conditions of the transaction are in the best interests of the beneficiary. In the event that the Department intends, or is ordered, to approve the transaction, any monies offered in consideration for the Trust or Restricted Fee interest are collected and deposited into the beneficiary's Trust accounts. The appropriate conveyance documents, such as the fee patent secured from BLM or conveyance by deed, are signed, approved and forwarded to the grantee and recorded in the LTRO/TSO.

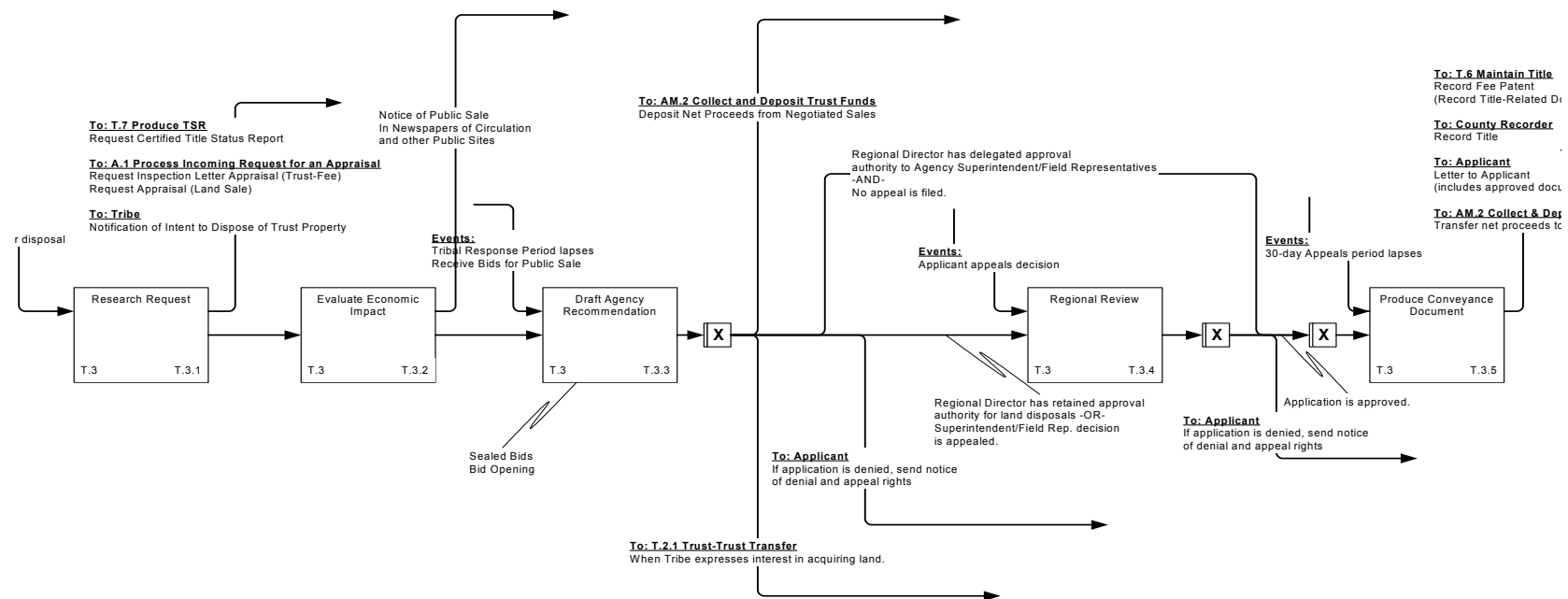


Figure 4.3.2- 15 Dispose of Trust Assets IDEF(3)



Beneficiary Involvement for Dispose of Trust Assets

In the event that beneficiaries are pursuing a negotiated sale in Fee, the beneficiary is responsible for negotiating, with input from BIA regarding the value of the tract and the terms of the sale. The beneficiary provides documentation relative to the terms and conditions of the sale. For public (advertised) sales, the beneficiary has the right to accept/not accept bid price. Tribes are notified of the pending Disposal request and indicate whether they intend to preserve Trust lands by acquiring the tract in question. If so, a Trust to Trust conveyance is performed rather than a Disposal with beneficiary client concurrence. Beneficiary is responsible to record Fee-Patent/conveyance document with State/Local/County Recorder. Beneficiaries authorize the sale of land subject to departmental approval. Beneficiaries are responsible for the management of their property once it is converted to fee simple status.

Dispose of Trust Assets Significant Notes

- a) ILCA places restrictions on beneficiaries' ability to dispose of Trust lands. Trust interests inherited under ILCA cannot be conveyed in Fee for five years. After this period expires, Trust interests cannot be conveyed in Fee without first providing the Tribe with the right of first offer and ensuring that the beneficiary will receive consideration.
- b) ILCA restrictions limit a beneficiary's right to bequeath Trust interests to heirs and devisees. Under ILCA, beneficiaries that wish a spouse or child to benefit from a Trust interest will have to dispose of their Trust interests prior to death. As a result, a significant increase in disposals is expected once the ILCA amendments of 2000 are fully implemented
- c) Some Trust-Fee transfers are executed as part of a land exchange used to acquire and consolidate lands to be placed into Trust which are advantageous to the beneficiary.



Dispose of Trust Assets Detail Description

Research Request (T-F) (T.3.1)

Starts with: Receive request for Trust land disposal from a beneficiary.

Ends with: Confirm application information and Trust interests.

BIA performs an initial review to ensure that the application is substantially complete and accurate and that the applicant has a conveyable interest in the Trust or Restricted properties to be transferred into Fee simple status.

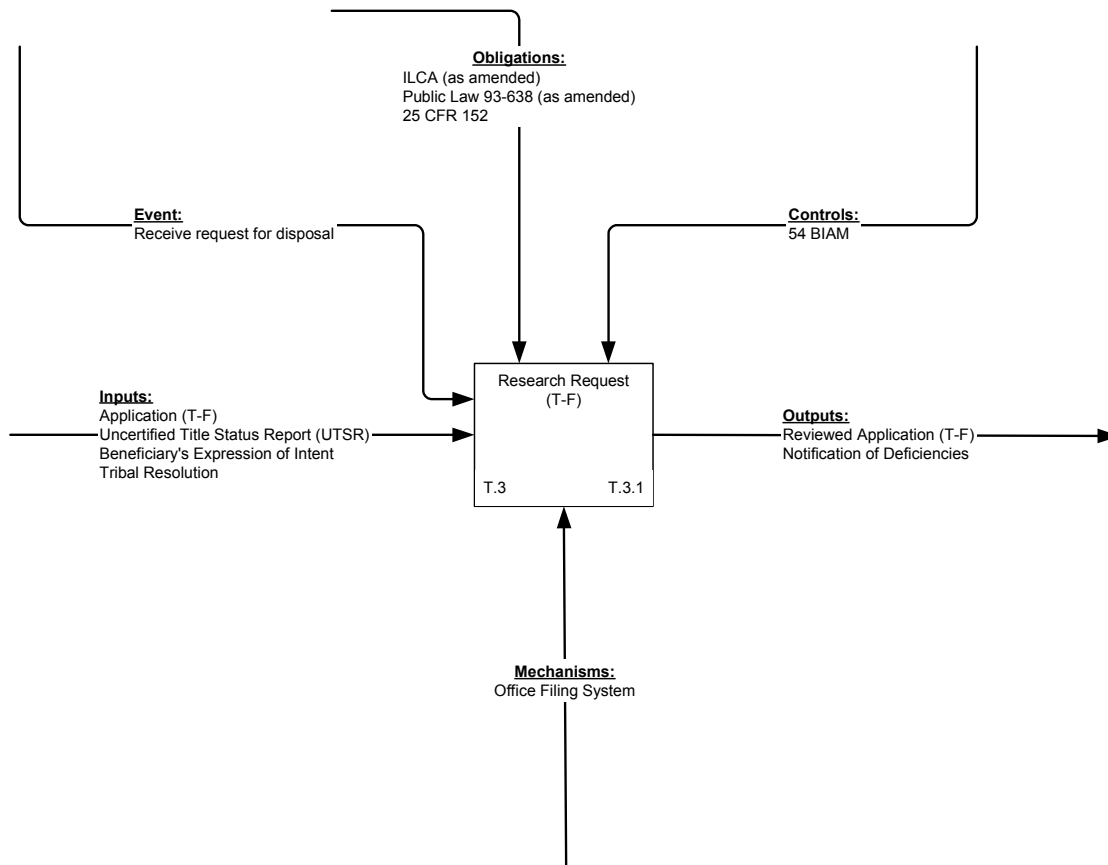


Figure 4.3.2- 16 Research Request (T-F) IDEF(0)

Evaluate Economic Impact (T-F) (T.3.2)

Starts with: Receive reviewed Trust-Fee application.

Ends with: Counsel the beneficiary on anticipated economic impacts.

Using survey and appraisal information, together with information regarding current or potential leasing, permitting and other encumbrances, BIA establishes and counsels the applicant on the anticipated economic impact of the transfer. An assessment of the archeological and environmental impacts of the transaction is also conducted to ensure that the full ramifications of the subsequent use of the land are understood.

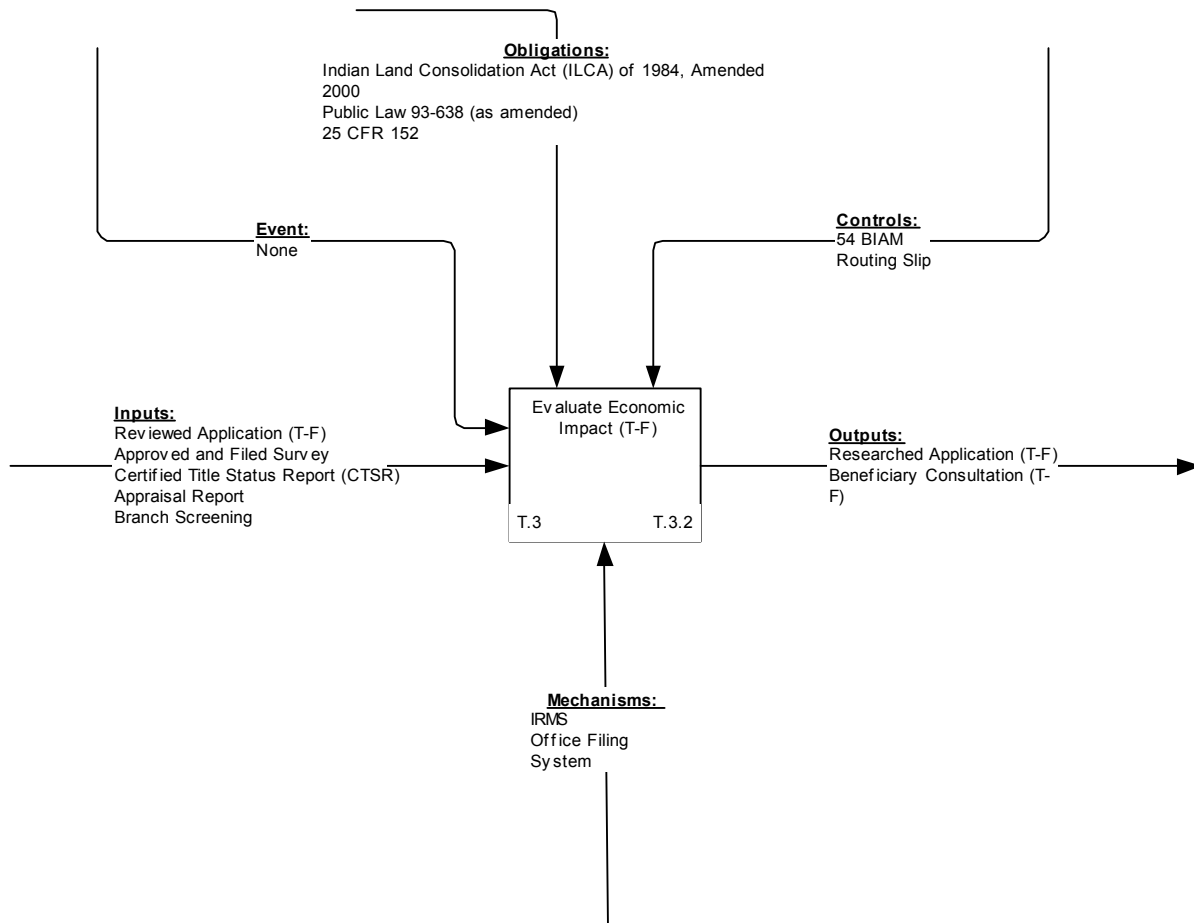


Figure 4.3.2- 17 Evaluate Economic Impact (T-F) IDEF(0)

Draft Agency Recommendation (T-F) (T.3.3)

Starts with: Receive researched application.

Ends with: Issue agency recommendation regarding the disposal to the beneficiary.

Agency staff reviews the terms and conditions of the transaction, the Tribe's intent regarding retaining the land in Trust and the results of any appropriate archeological and environmental assessments to prepare a recommendation as to whether the transaction should proceed.

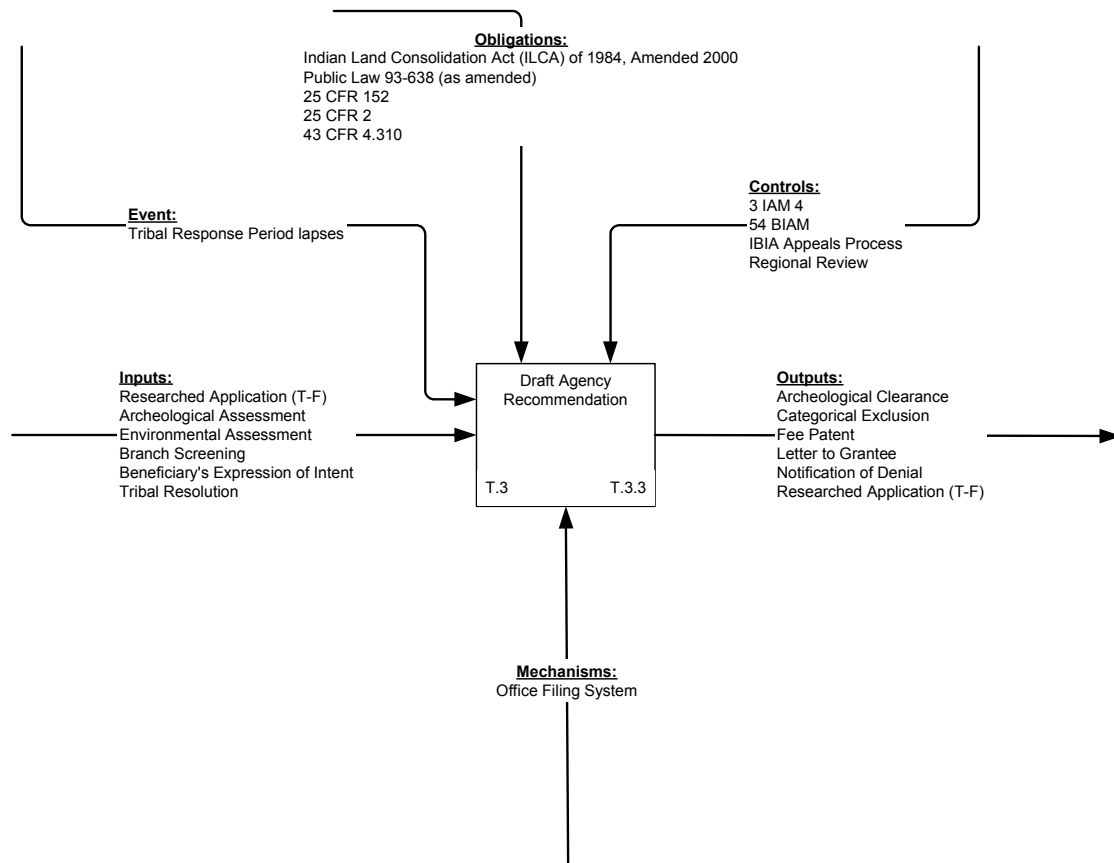


Figure 4.3.2- 18 Draft Agency Recommendation (T-F) IDEF(0)

Regional Review (T.3.4)

Starts with: Receive recommendation from the Agency or Field Office.

Ends with: Issue BIA decision regarding the disposal to the Line Official and beneficiary.

The Regional Director reviews the Line Official's recommendation when:

- a) The region has retained the approval authority for disposals, or
- b) The Line Official's decision is challenged by the applicant.

Upon review, the Regional Director makes a determination as to whether the disposal should proceed.

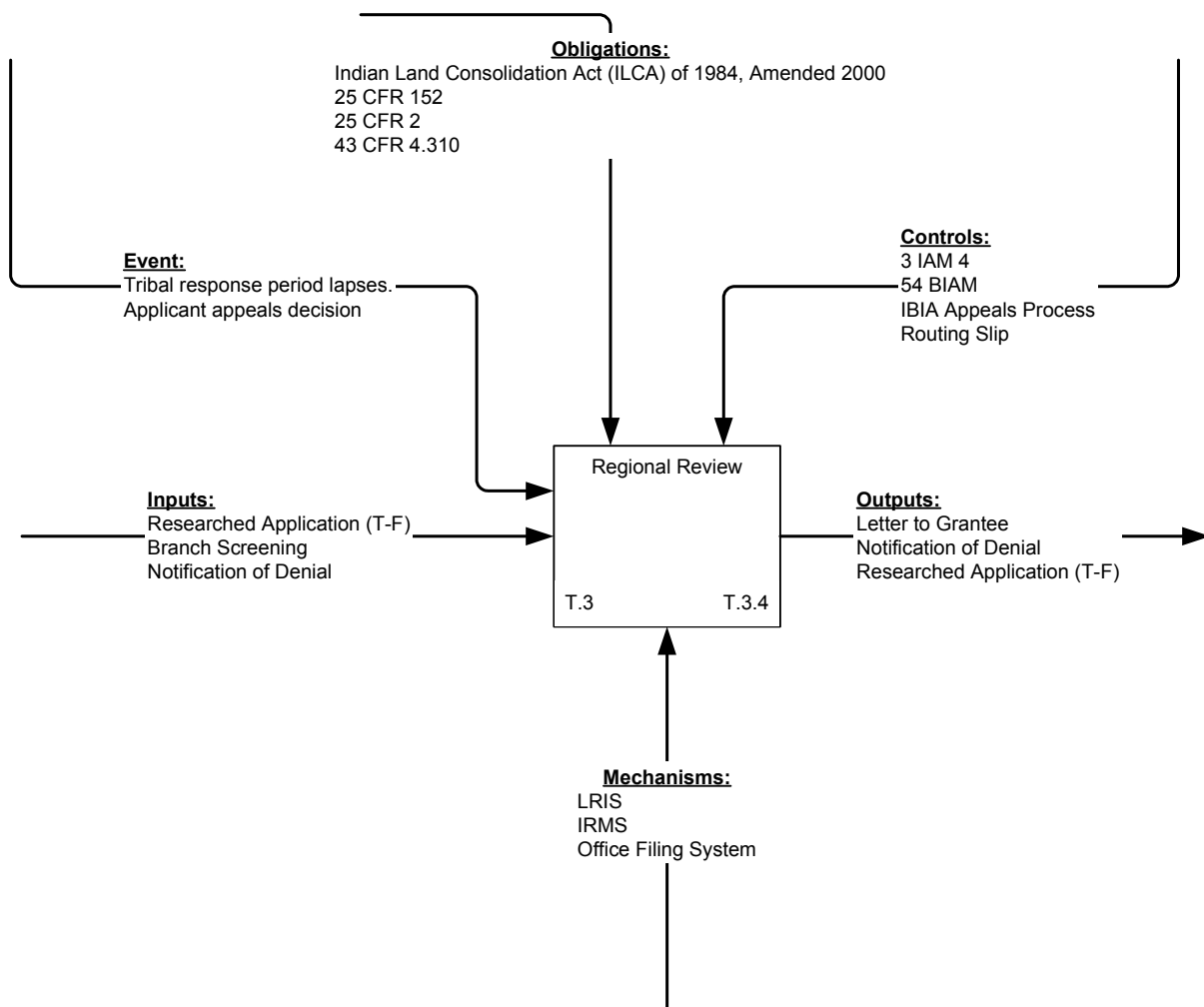


Figure 4.3.2- 19 Regional Review IDEF(0)



Produce Fee Patent (T.3.5)

Starts with: Receive BIA approval to proceed with disposal or

Receive OHA order to proceed with disposal.

Ends with: Issue Fee patent or conveyance in Fee document to the grantee.

When BIA intends, or is ordered, to approve the disposal, it collects and deposits any monies offered in consideration for the Trust interests and requests a Fee Patent (for a Trust-Fee transfer) or a deed (for a Negotiated Sale in Fee). The signed conveyance document, indicating that Trust restrictions have been removed from the parcel, is then forwarded to the grantee and the LTRO/TSO for recordation.

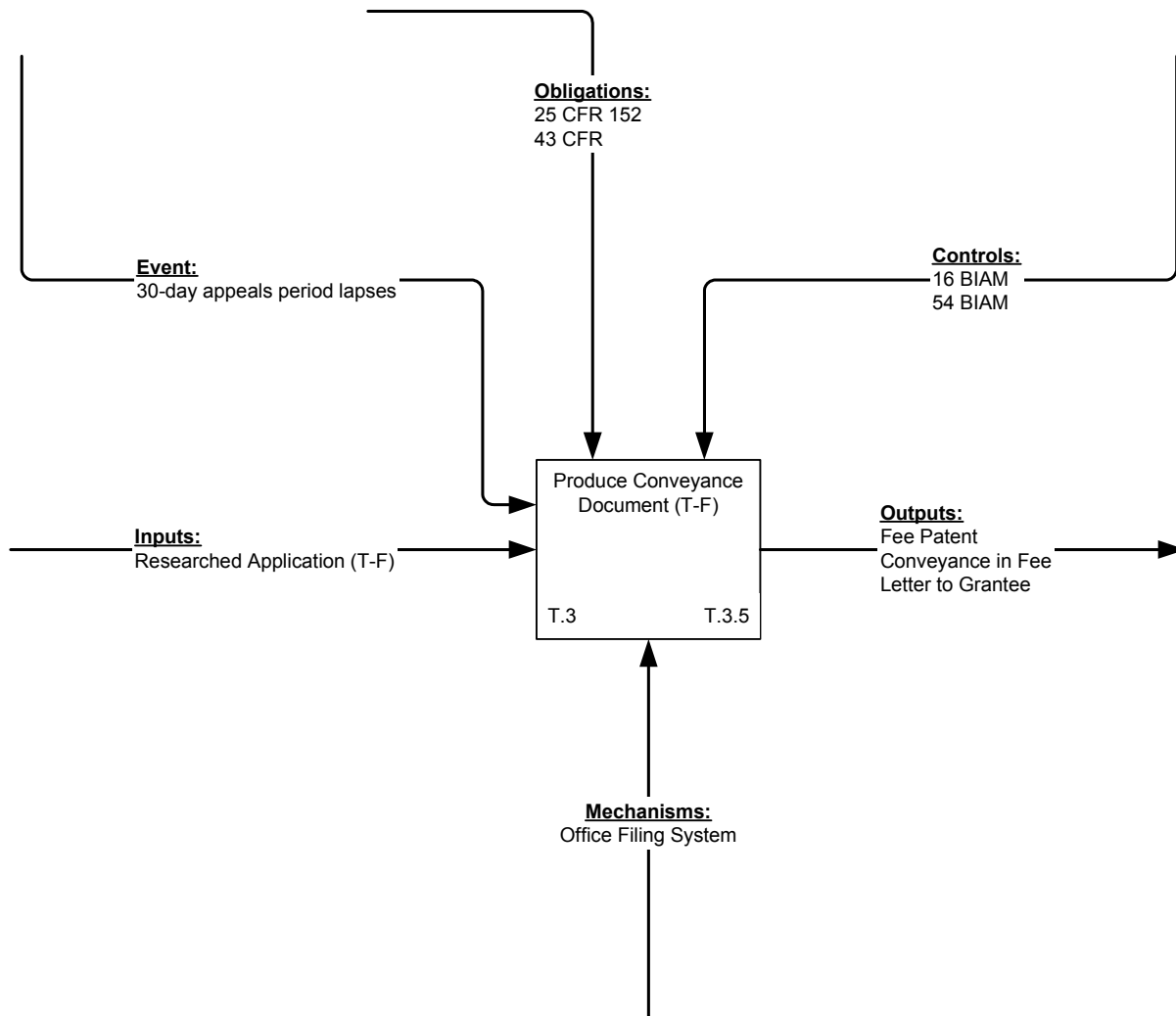


Figure 4.3.2- 20 Produce Conveyance Document (T-F) IDEF(0)



4.3.2.5 Rights of Way (ROW) and Easements (T.4)

Starts with: Receive request for ROW or easement or
Expiration of ROW agreement.

Ends with: Approve ROW or easement and Assess ROW compliance or
Deny ROW application.

Rights of Way (ROWs), Service Line Agreements (SLAs), Mineral Access Agreements and easements provide applicants with specific rights to use Trust and Restricted lands. ROWs grant the applicant the right to use Trust lands in a manner that may impact or completely preclude the future use of those lands. Mineral Access Agreements are specialized ROWs that impact both surface and subsurface lands and are used to extract or transport oil and gas deposits. Easements provide applicants with the right to use Trust lands in a manner that will not affect the subsequent use of those lands. SLAs convey the right to construct a utility easement on a single beneficiary's land for the sole purpose of providing service to a single-family dwelling.

An application for a ROW, SLA, Mineral Access Agreement and easement (hereafter referred to in total as ROW) that impacts Tribal Trust lands must be accompanied by a Tribal Resolution conferring the right to survey impacted lands. Consent from a majority of individual interest holders for boundary and location survey must also be acquired for allotted lands. BIA will then issue an authorization to survey any allotted or restricted lands that may also be impacted by the ROW.

Upon receipt of a boundary and location survey of the ROW and the affected lands, BIA produces a certified schedule of landowners (certified TSR) and forwards that schedule to the applicant. At the same time, BIA evaluates the environmental, archeological and economic impacts of the ROW and provides affected beneficiaries with a recommendation as to whether the ROW should be approved and any damages or compensation that should be required in return for their consent. Beneficiaries then negotiate the specific terms and conditions of the ROW with the applicant and forward their individual determinations to BIA.

If a majority of the interest holders consent to the ROW, BIA then makes a formal determination regarding the ROW, with the Line Official signing for minority interests. If the Department intends, or is ordered, to proceed a Grant of Easement is produced and a Notice to Proceed is sent to the applicant.

Upon receipt of an affidavit of completion, or in the event of a beneficiary complaint, BIA performs a compliance assessment that determines the extent to which construction activities and subsequent use comply with the terms and conditions of the agreement. In the event that construction is found to be non-compliant, the Department withholds the monies required to achieve compliance from any performance monies collected at the outset. These monies are either used to correct non-compliant actions or deposited into beneficiary Trust accounts. Any remaining performance monies are returned to the applicant.

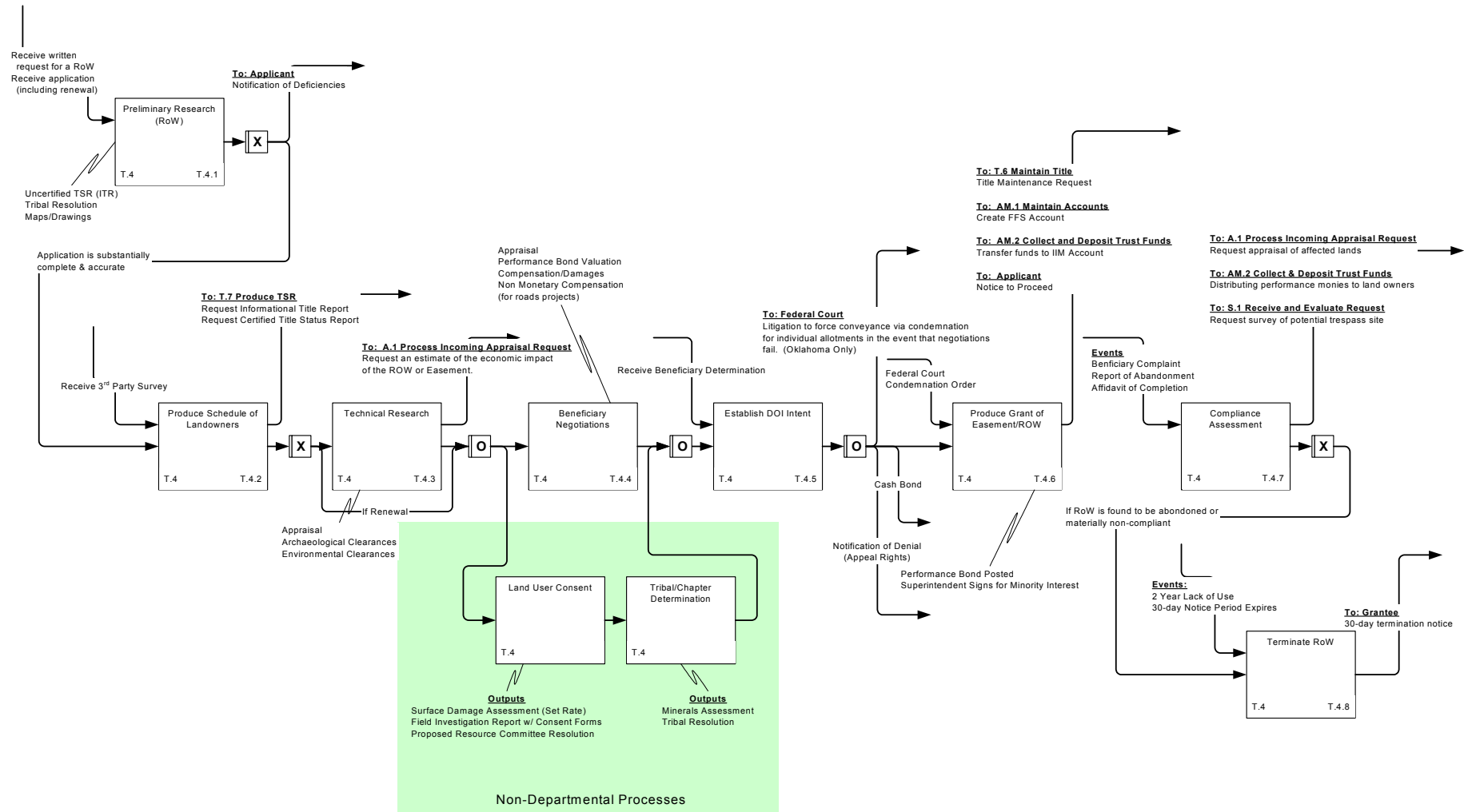


Figure 4.3.2- 21 Rights of Way and Easements IDEF(3)



Beneficiary Involvement for Rights of Way and Easements

Tribes and individual Indians must provide consent for the survey; a majority of individual interest holders must provide, or withhold, consent to the ROW, easement, service line agreement or mineral assessment agreement. The consent determination is made after beneficiaries negotiate the terms of the transaction, including any compensation or damages required in return for their consent.

During the negotiations, assistance may be requested from BIA or from the Tribe. If consent is collectively withheld, and the applicant pursues condemnation proceedings, beneficiaries may petition the Department to represent them in subsequent legal proceedings.

During construction, and after construction activities are complete, beneficiaries may lodge complaints associated with 3rd party performance or the ongoing use of the ROW.

Tribes are entering into MOAs with oil and gas companies. Also, Tribes enter into MOAs with IHS/BIA/Tribe for water and sewer lines.

Rights of Way and Easements Significant Notes

- a) Many BIA, State and County roads have been constructed on reservations and across Trust lands without approved ROW applications and compensation to affected land owners.
- b) ROW applications are often processed without providing applicants with permission to use adjacent lands for the purposes of construction and maintenance.
- c) ROWs are not consistently recorded in the servicing LTRO/TSO. This is especially true when Tribal monies are used to fund Tribal projects; in those cases, Departmental processes are often avoided entirely.
- d) Beneficiaries are not being consistently consulted on, or compensated for, the secondary use ROWs and easements.



Rights of Way and Easements Detail Description

Preliminary Research (ROW) (T.4.1)

Starts with: Receive application for ROW or easement from an applicant or
Receive initial Tribal resolution regarding ROW or easement.
Ends with: Issue authorization to survey to the applicant or
Issue notice of deficiencies or denial to the applicant.

The application is reviewed to ensure it is largely complete and accurate and that any required Tribal consent is provided. If a Tribal consent does not accompany the application, BIA sends a notice to the Tribe requesting a resolution indicating their initial intent and providing consent to survey. If the consent is provided, or no Tribal lands are impacted by the ROW, BIA issues an authorization to survey Trust lands.

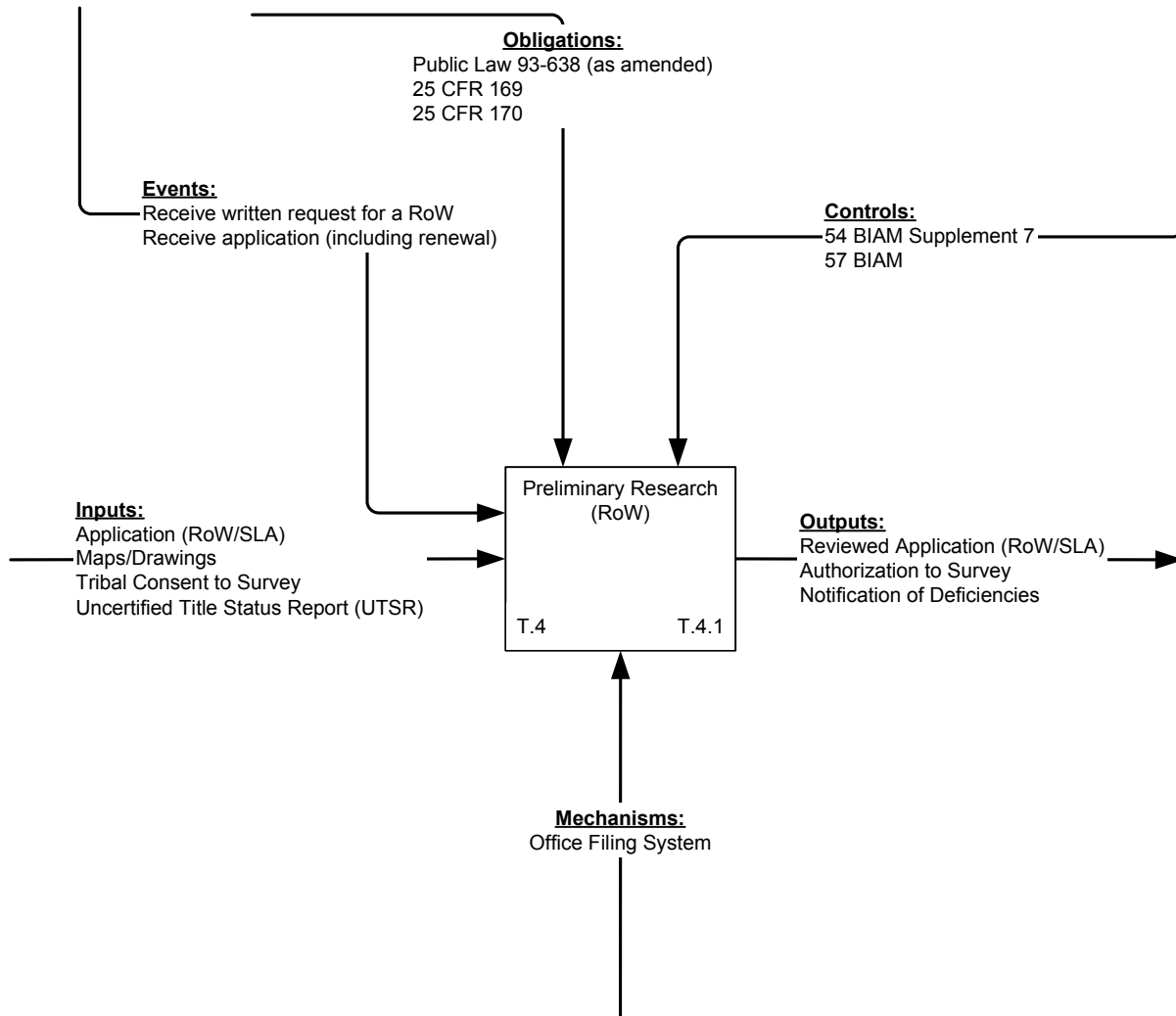


Figure 4.3.2- 22 Preliminary Research (RoW) IDEF(0)

Produce Schedule of Land Owners (T.4.2)

Starts with: Receive survey from applicant.

Ends with: Issue Schedule of Landowners to applicant.

Upon receiving a survey of the Trust lands impacted by a ROW, the Agency obtains and consolidates individual TSRs for each impacted parcel to obtain a certified schedule of all land owners with an interest in properties affected by a ROW or easement.

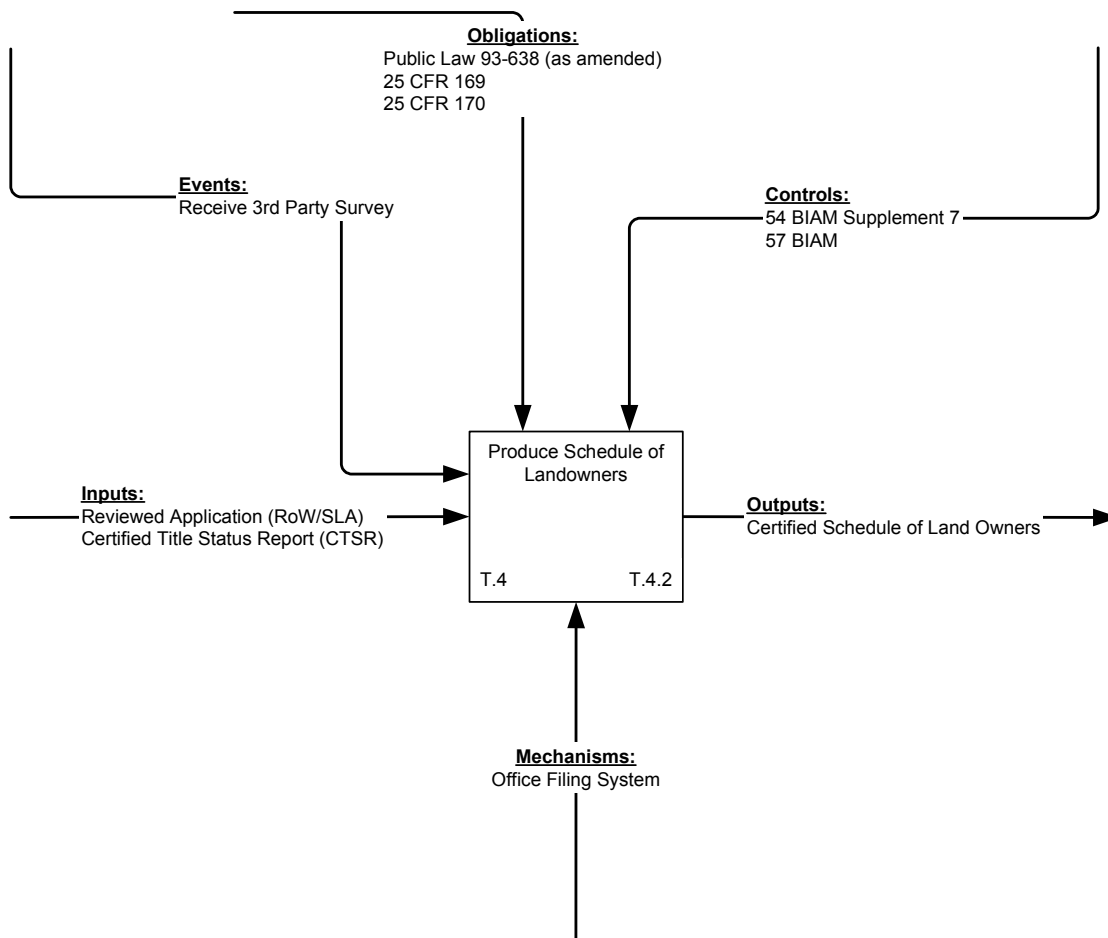


Figure 4.3.2- 23 Produce Schedule of Land Owners IDEF(0)

Technical Research (ROW) (T.4.3)

Starts with: Receive certified title information from LTRO/TSO.
Ends with: Issue Agency recommendation regarding ROW.

Technical research establishes the economic and environmental impact of the proposed ROW or easement. This research includes environmental and archeological assessments and a review of the income producing potential of all impacted parcels. Using this information, the Agency prepares a recommendation as to whether the ROW should be approved. The recommendation includes an assessment of the consideration that should be required in return for beneficiary consent. This recommendation is then forwarded to the beneficiaries for use in subsequent negotiations.

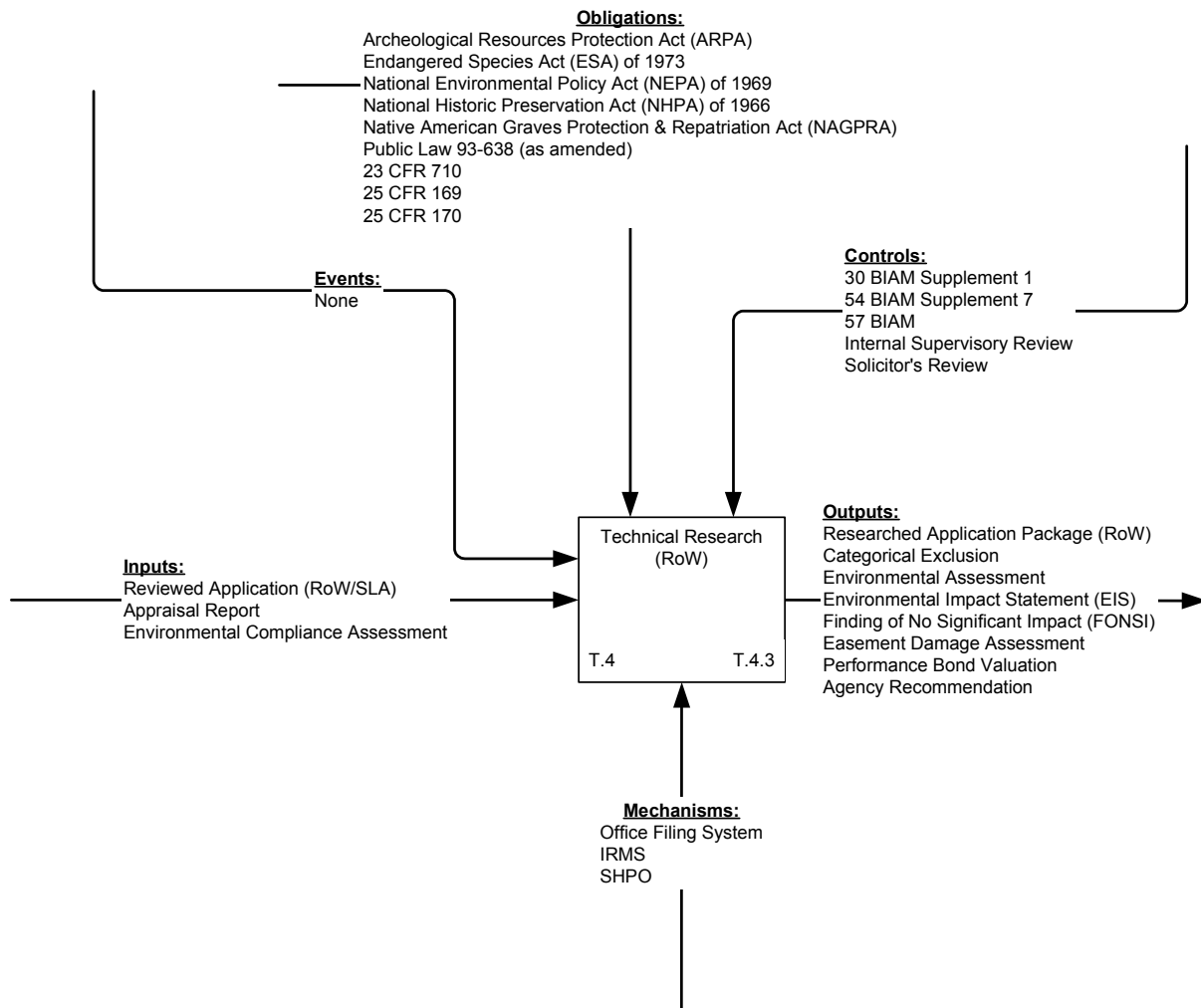


Figure 4.3.2- 24 Technical Research (ROW) IDEF(0)

Beneficiary Negotiations (ROW) (T.4.4)

Starts with: Receive Agency recommendation regarding ROW or easement.

Ends with: Issue beneficiaries' notices of intent regarding ROW or easement.

During beneficiary negotiations, landowners establish the terms and conditions under which the proposed ROW will be approved. Beneficiaries then send a notice to BIA indicating whether they consent to the ROW. This consent must be accompanied by a statement of all relevant terms and conditions.

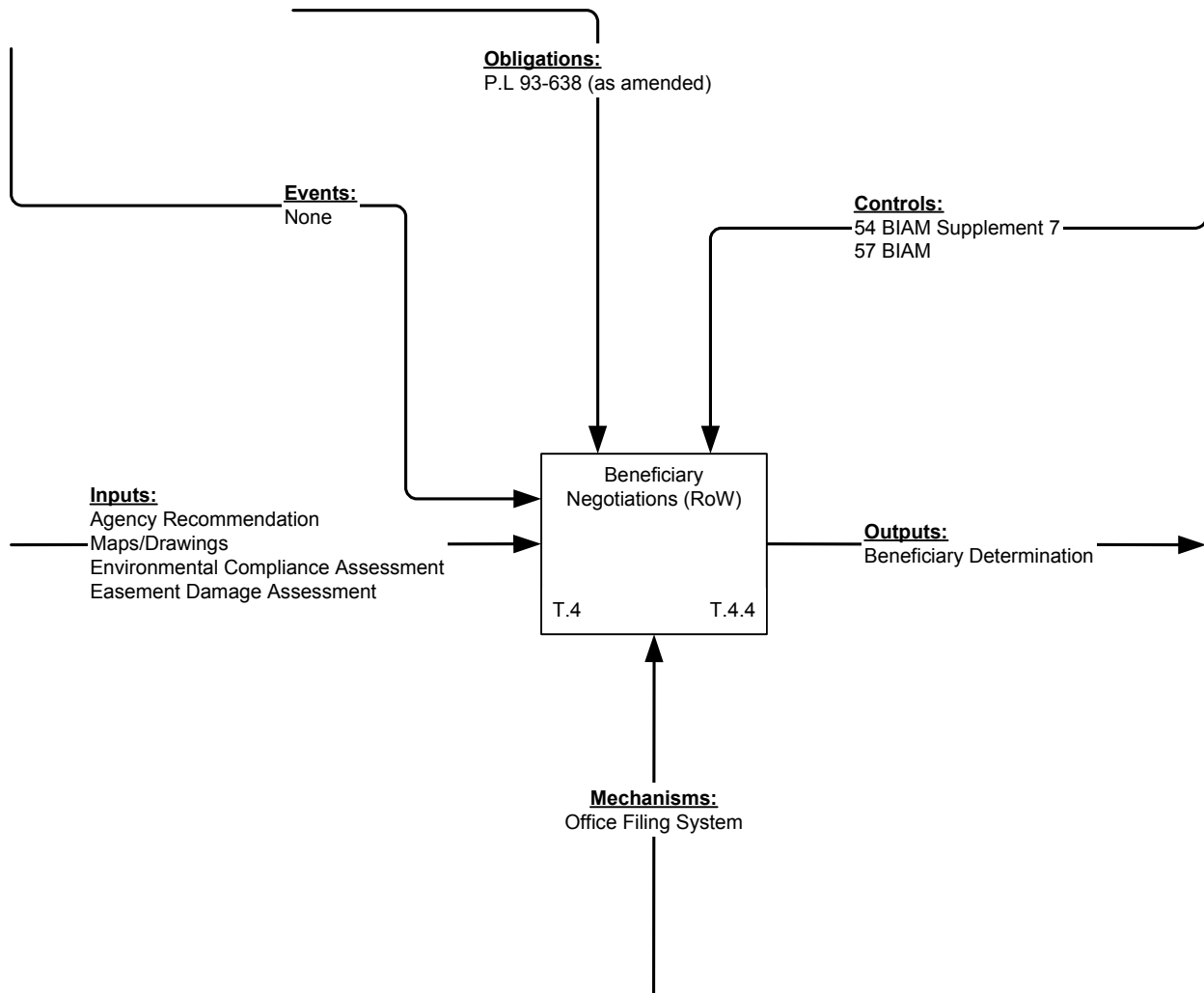


Figure 4.3.2- 25 Beneficiary Negotiations (ROW) IDEF(0)

Establish DOI Intent (ROW) (T.4.5)

Starts with: Receive beneficiaries' notices of intent regarding ROW or easement.
Ends with: Issue BIA determination regarding transaction to the applicant.

Upon receiving notice of the beneficiaries' intent regarding the ROW, and assuming the intent is to proceed, BIA makes a determination whether the agreed terms and conditions are in the best interest of the beneficiaries. In doing so, the Line Official acts on behalf of the minority interest. If a majority of the interest holders withhold their consent, or if the Line Official determines that the ROW, or the terms and conditions under which the ROW was applied for, are not in the best interests of the beneficiaries, a notice of denial is sent to the applicant.

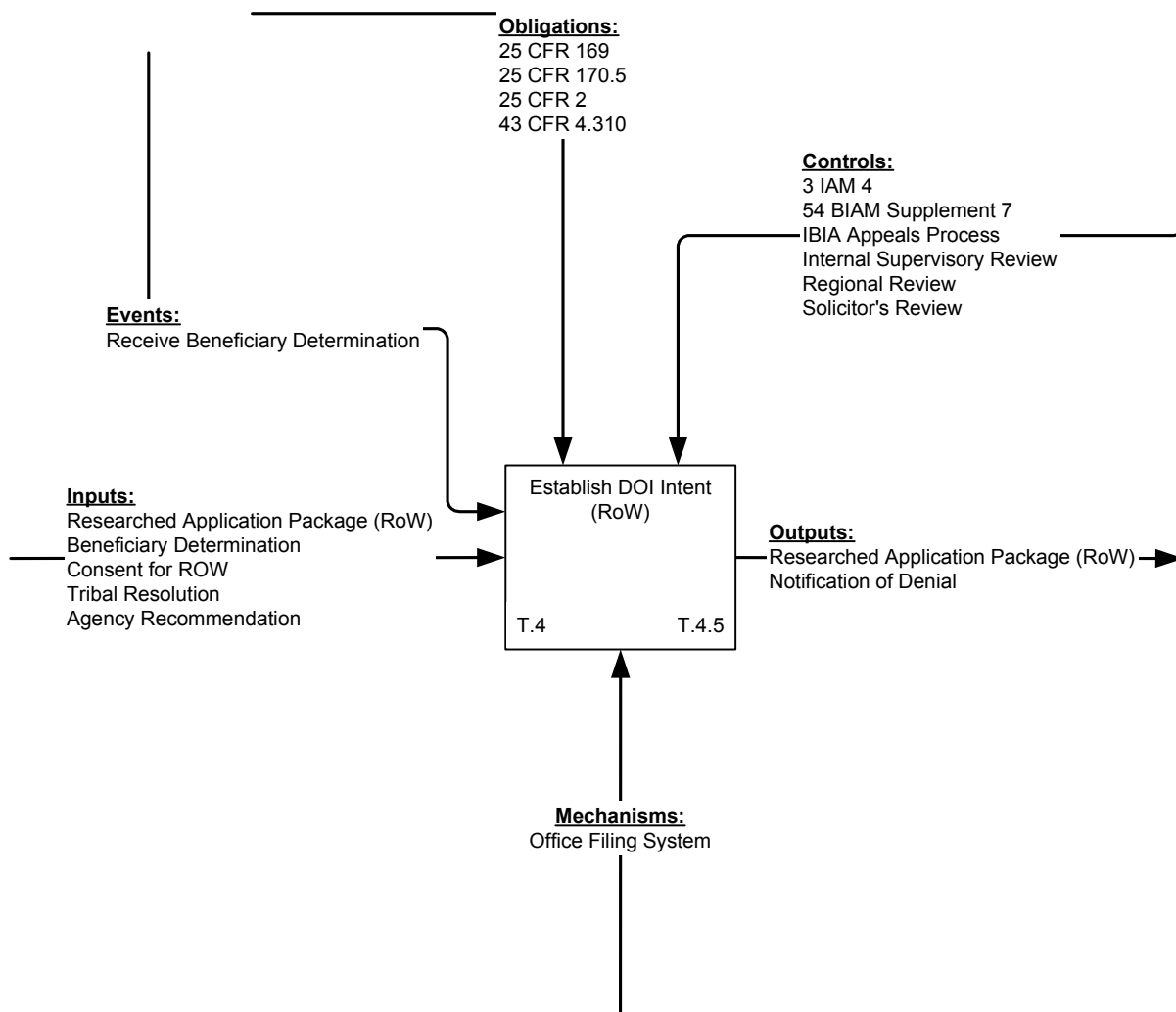


Figure 4.3.2- 26 Establish DOI Intent (ROW) IDEF(0)



Produce Grant of Easement (T.4.6)

Starts with: Issue BIA intent to proceed with ROW or easement or
Receive IBIA order to proceed with ROW or easement.

Ends with: Issue notice to proceed to the applicant and request recordation of the ROW.

In the event that the Department approves, or is ordered to approve, the ROW, a Grant of Easement is signed and BIA issues a notice to proceed to the applicant. Any monies required in consideration for the ROW are collected and deposited in the beneficiaries' Trust accounts.

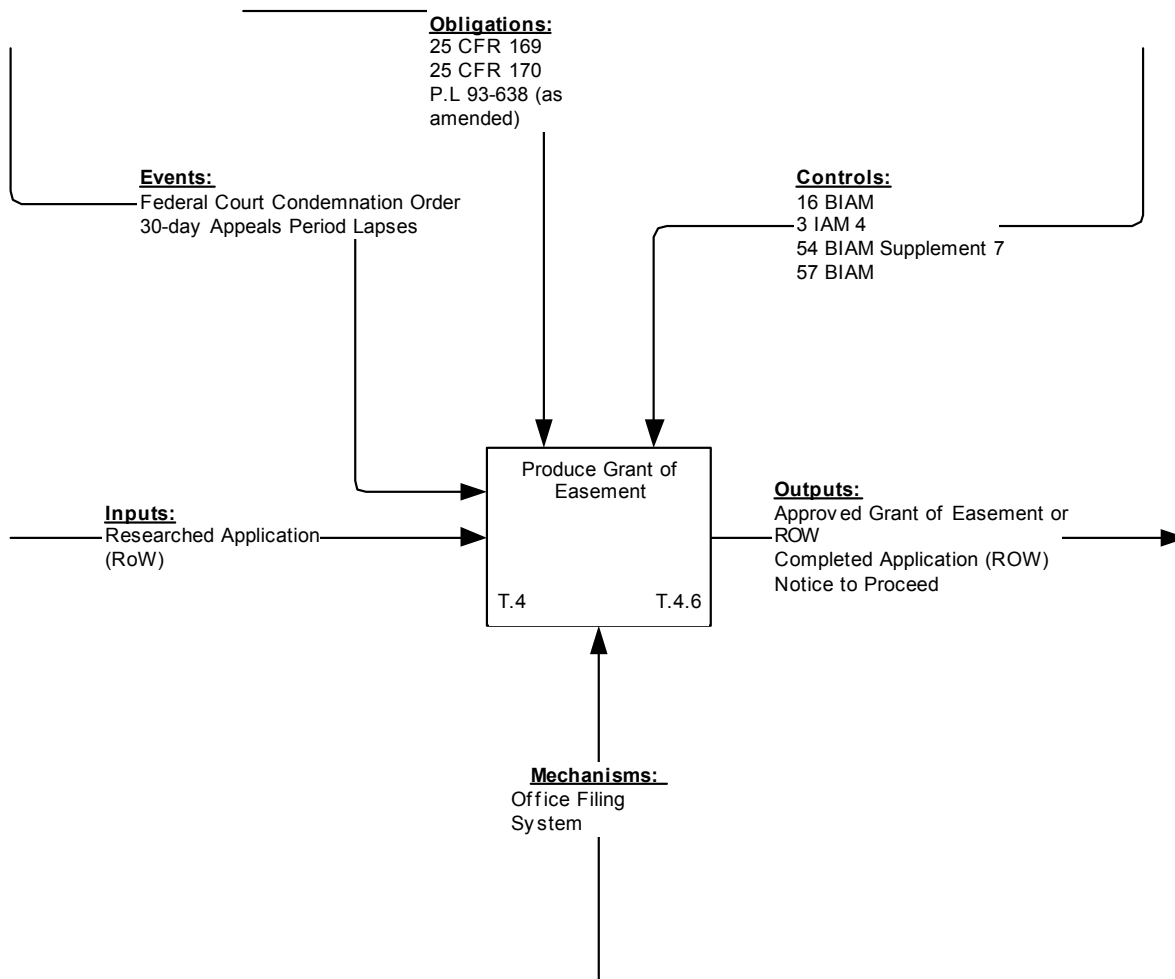


Figure 4.3.2- 27 Produce Grant of Easement IDEF(0)



Compliance Assessment (ROW) (T.4.7)

Starts with: Receive affidavit of completion from applicant or
Receive beneficiary complaint.
Ends with: Issue assessment report to the interested parties or
Issue notice of termination to the applicant.

Compliance assessments are performed periodically during the course of construction, upon the receipt of an affidavit of completion from the applicant or upon receipt of a complaint from a beneficiary. Assessments are performed to determine the extent to which construction and maintenance activities, and ongoing use, comply with the terms and conditions of the agreement or to determine whether a trespass may have been committed during construction. The compliance assessment is complete when an assessment report is issued.

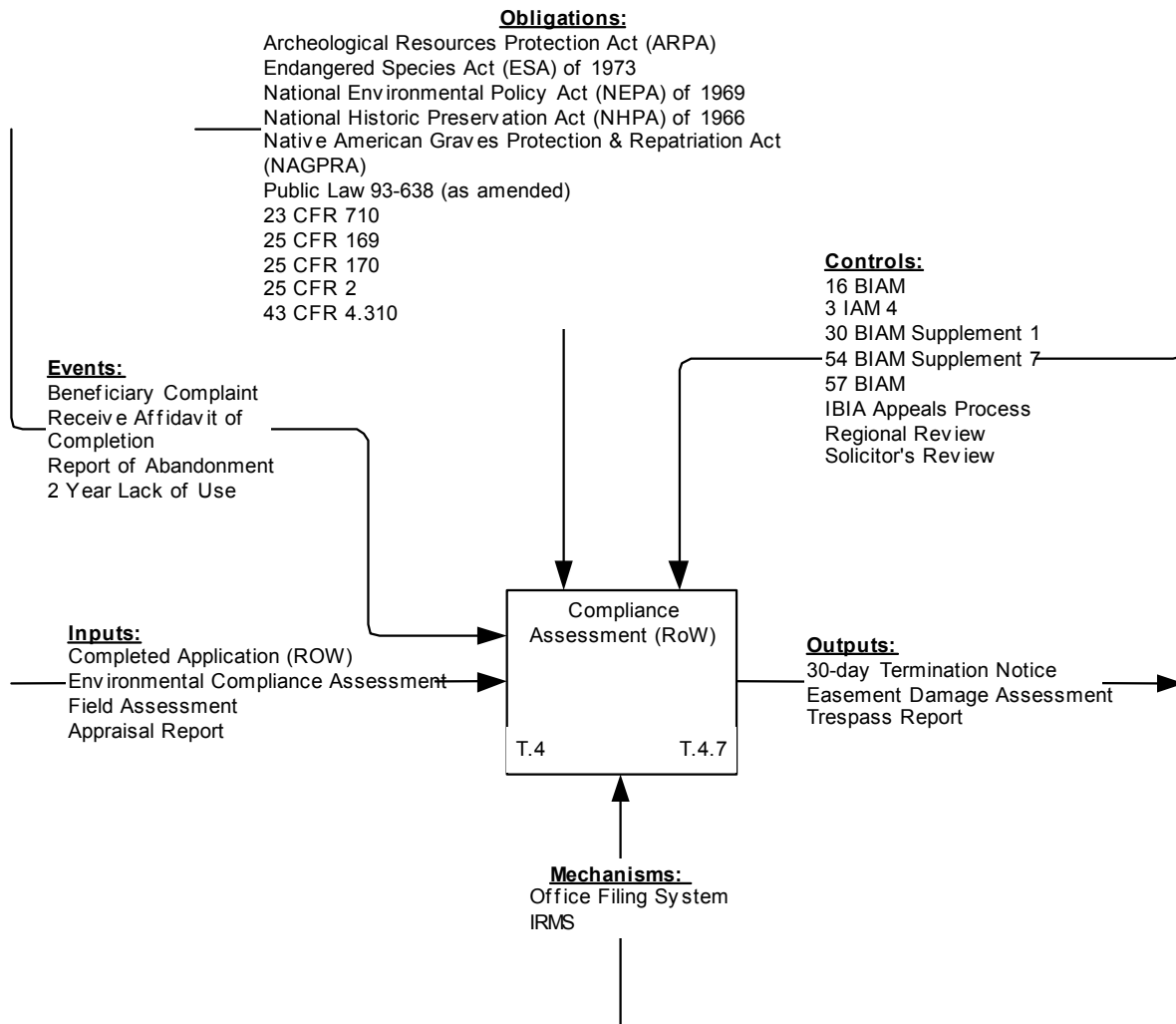


Figure 4.3.2- 28 Compliance Assessment (ROW) IDEF(0)

Terminate (ROW) (T.4.8)

Starts with: Expiration of 30-day notice of termination.
Ends with: Request to remove ROW encumbrance.

Upon the expiration of a ROW or the expiration of a 30-day show cause notice, BIA will take the steps to terminate a ROW agreement. This process is complete when the documents required to terminate the ROW (and remove the encumbrance) are forwarded to the LTRO/TSO for recordation and encoding.

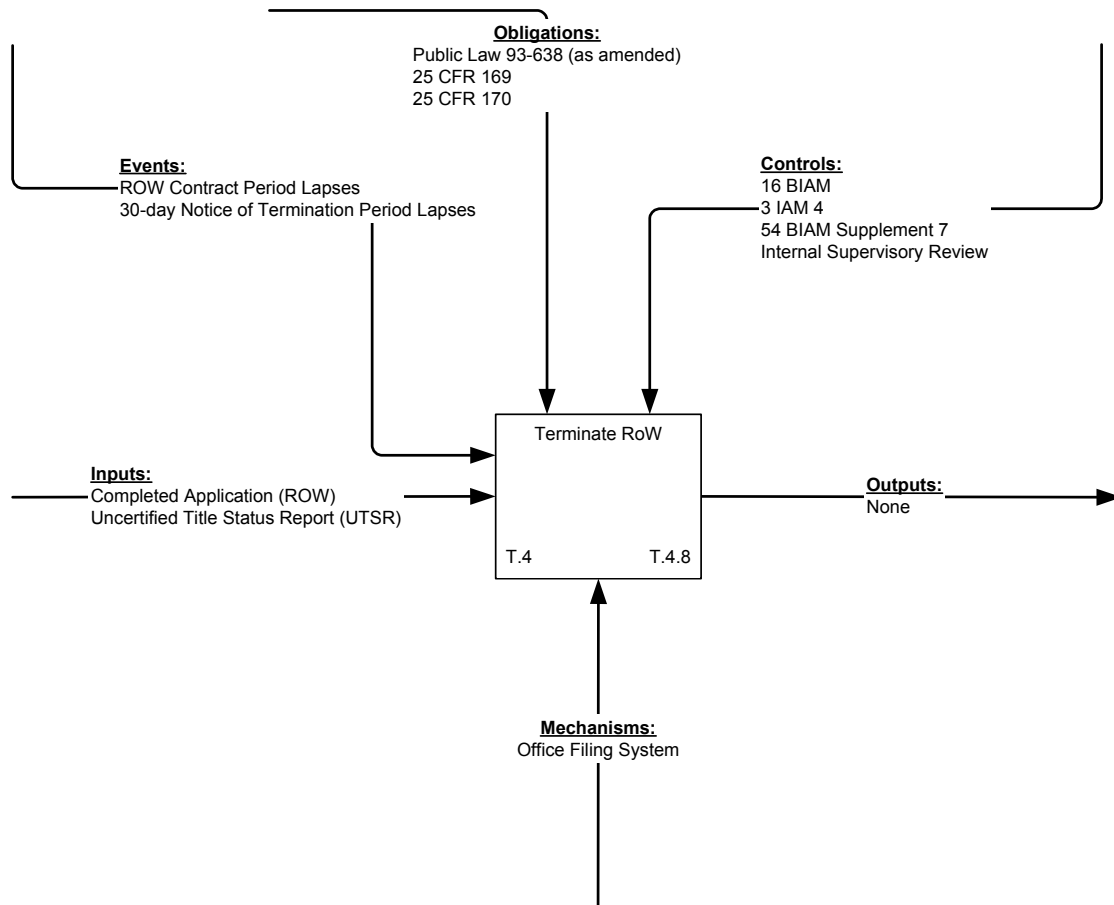


Figure 4.3.2- 29 Terminate ROW IDEF(0)



4.3.2.6 Mortgages and Assignments (T.5)

Starts with: Receive request for a mortgage or assignment from a beneficiary or
Receive notice of loan satisfaction from the lending institution or
Receive notice of default or foreclosure from the lending institution.
Ends with: Approve changes to title encumbrances.

Beneficiaries mortgage Trust lands, or assign income associated with Trust lands, in order to obtain financing for residential or commercial projects. Upon receipt of an initial request for a mortgage or assignment, a certified TSR is obtained for the affected parcel. This TSR is reviewed to verify the beneficiary's Trust interests and to identify encumbrances that would preclude the beneficiary from using the Trust interest as collateral for a loan. During this time, BIA makes an assessment of the beneficiary's ability to meet loan obligations and issues a statement indicating whether they will be able to honor a mortgage or assignment should it be approved by the lending institution. In the event that the Department intends, or is ordered, to honor the lien, a copy of the Certified TSR, together with the commitment of mortgage, is forwarded to the lending institution.

If the lending institution approves the mortgage, BIA reviews the terms and conditions of the lien and makes a formal determination indicating whether the lien will be honored. In the event that Department approves, or is ordered to honor, the lien, mortgage documents are forwarded to the LTRO/TSO for recordation and a new Certified TSR, documenting the lien, is issued and sent to the lending institution. When the lien is satisfied, a third Certified TSR is produced documenting the removal of the lien.

Should the lending institution issue a notice of default, BIA verifies the extent of the default (not to exceed the original obligation) and issues a Kennerly notice documenting the findings. Unless otherwise ordered, BIA then authorizes OST/OTFM to redirect any Trust income used as collateral to the lending institution until the default has been remedied. At that point, collateralized income is once again deposited in the beneficiary's Trust accounts and the beneficiary assumes responsibility for the lien.

Upon receiving notice of a foreclosure, BIA first attempts to identify a beneficiary that can assume the lien in exchange for the Trust interest. If an eligible candidate can be found, a Trust to Trust transaction will be initiated and the lien will be transferred to the new interest holder. In the event that no eligible candidate can be found, the foreclosure is processed and title to the Trust lands is assigned to the lending institution.

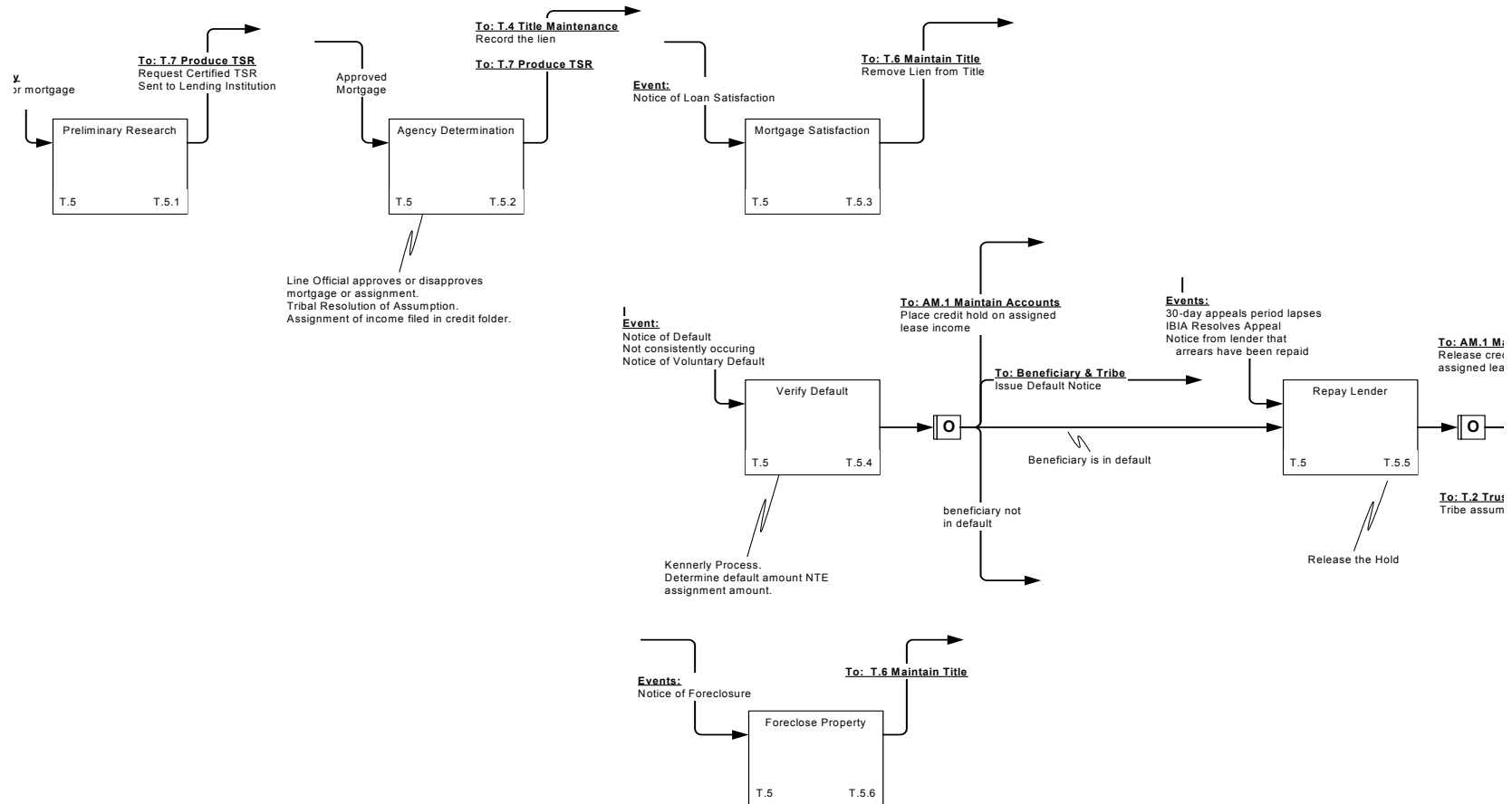


Figure 4.3.2- 30 Mortgages and Assignments IDEF(3)



Beneficiary Involvement for Mortgages and Assignments

Beneficiaries apply for loans and negotiate financing with lending institutions. Beneficiaries are responsible for the terms of mortgage or assignment. In the event of a default or foreclosure, Tribal governments may negotiate a settlement with both the individual beneficiary and the lending institution to preserve Trust lands.

Mortgages and Assignments Significant Notes

- a) Lending institutions often fail to notify the Department when a beneficiary becomes in arrears on a lien.
- b) The December 5, 2001 Temporary Restraining Order and the subsequent Consent Order have created an extensive backlog of requests for Certified TSRs. The inability to obtain TSRs on a timely basis delays closings and impedes beneficiaries' ability to obtain credit.
- c) Many Tribes include standard language in the mortgage document stating that the Tribe will assume a tribal member's mortgage in the event of default or foreclosure.



Mortgages and Assignments Detail Description

Preliminary Research (M&A) (T.5.1)

Starts with: Receive request for mortgage or assignment from a beneficiary.

Ends with: Issue commitment of mortgage to the lending institution or
Issue notice of denial to the beneficiary.

During preliminary research, BIA determines whether there is an encumberable interest in the properties, income or leasehold being used as collateral and evaluates the application for completeness and accuracy. BIA then performs the screening required to determine whether the individual has the ability to assume the responsibilities of the lien, counsels the applicant on the economic implications of the lien and issues a statement to the lending institution indicating whether the Department will honor a mortgage if approved.

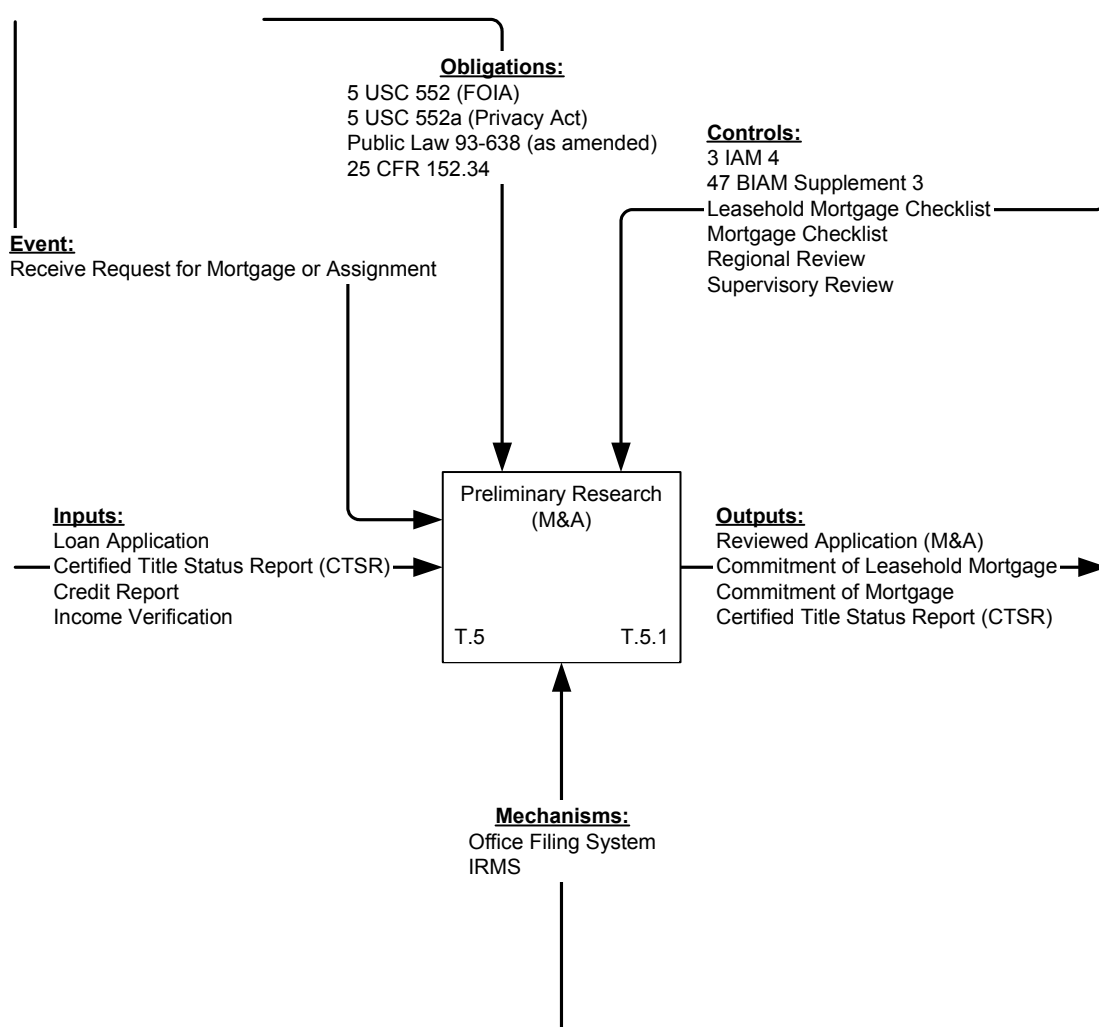


Figure 4.3.2- 31 Preliminary Research (M&A) IDEF(0)

Agency Determination (M&A) (T.5.2)

Starts with: Receive approved lien from lending institution.

Ends with: Issue Certified TSR identifying lien as an encumbrance to the lending institution or
Issue notice of denial to the interested parties.

The Agency reviews the terms and conditions of the mortgage to ensure they are consistent with initial expectations prior to formally approving the lien.

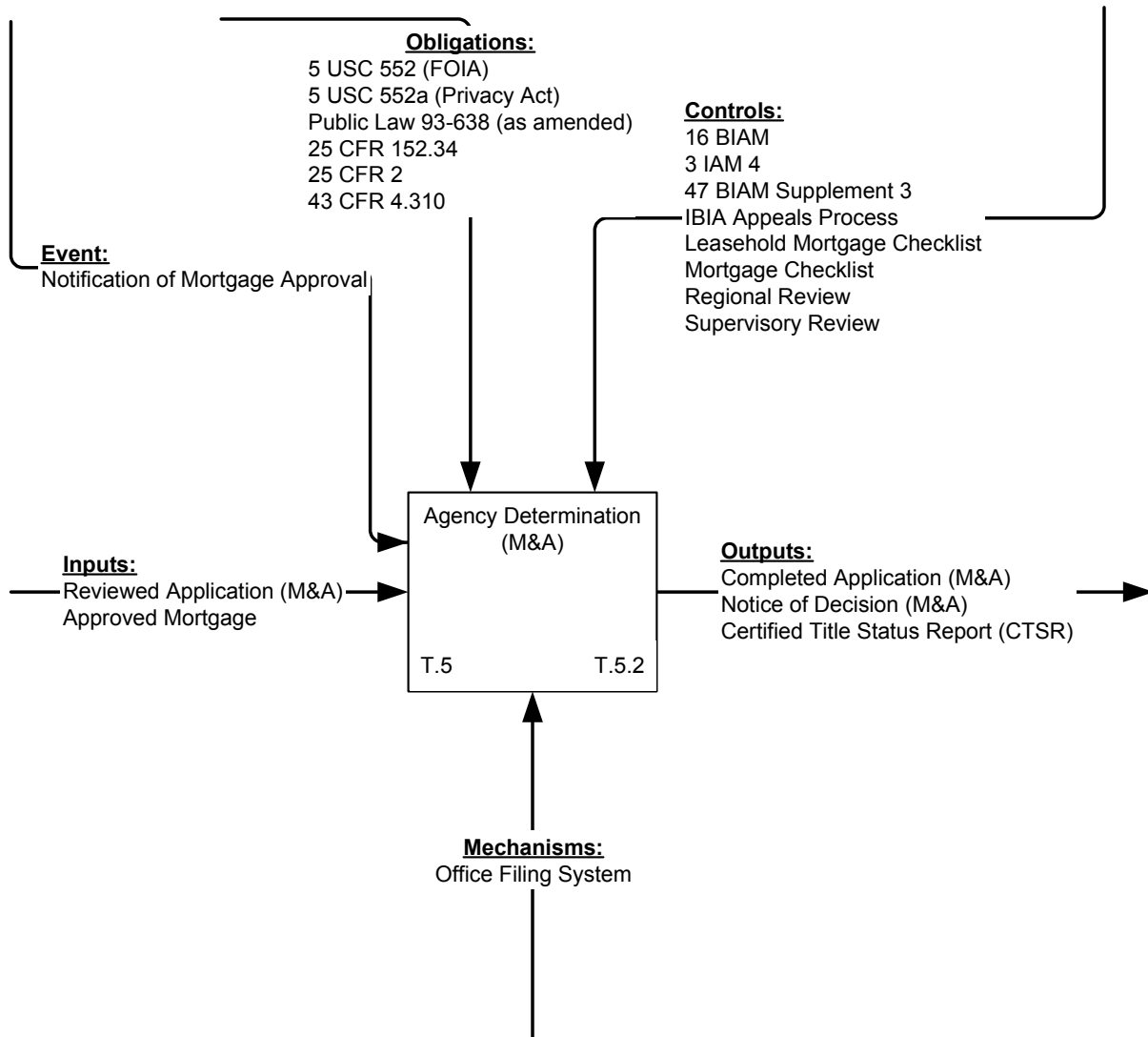


Figure 4.3.2- 32 Agency Determination (M&A) IDEF(0)

Mortgage Satisfaction (T.5.3)

Starts with: Receive notice of satisfaction from the lending institution.

Ends with: Issue Certified TSR documenting removal of lien to the beneficiary.

Upon receiving notice of loan satisfaction from the lending institution, BIA takes steps to remove the lien and sends a Certified TSR to the beneficiary indicating that the encumbrance has been removed.

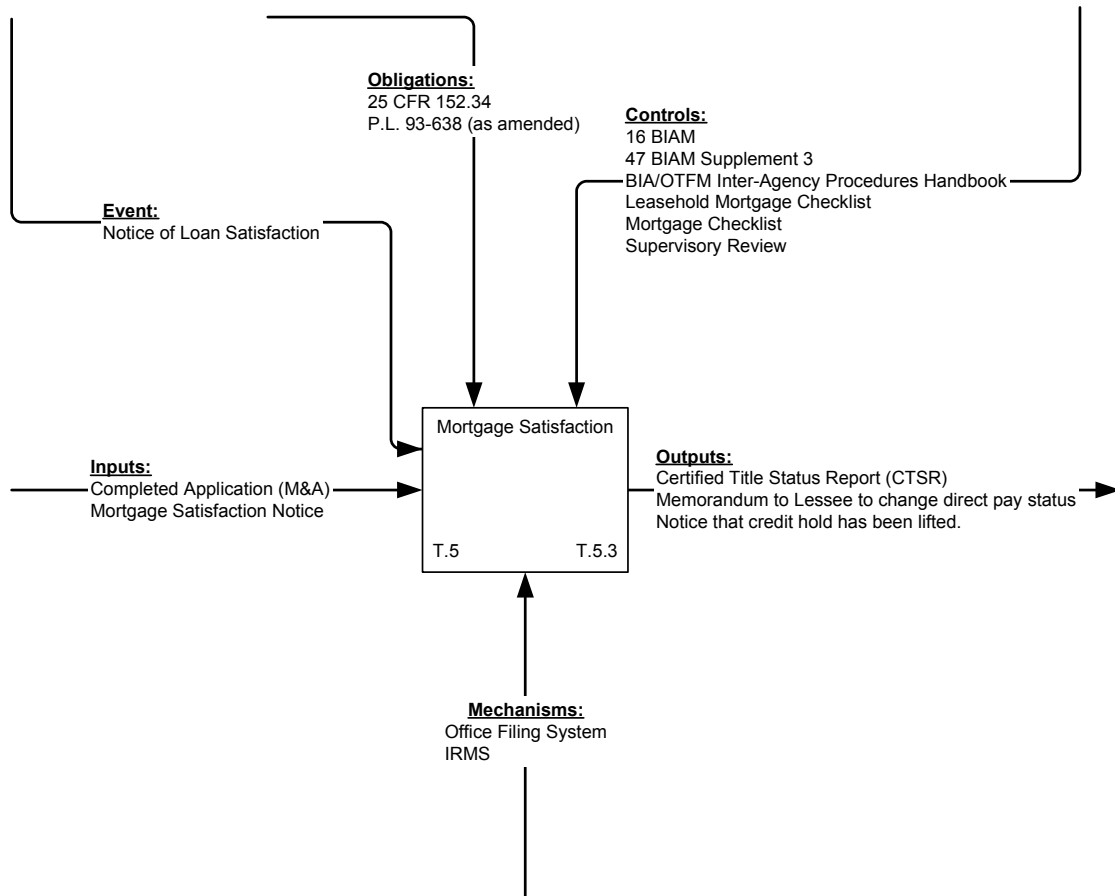


Figure 4.3.2- 33 Mortgage Satisfaction IDEF(0)

Verify Default (T.5.4)

Starts with: Receive notice of default from the lending institution.
Ends with: Issue Kennerly memorandum to the beneficiary.

Upon the receipt of a notice of default from a lending institution, BIA takes the steps required to verify the nature and extent of the default (not to exceed the original obligation of the loan) and, if appropriate, issues a Kennerly notice (due process) to the beneficiary indicating the extent of the default and the steps to be taken to satisfy the arrears.

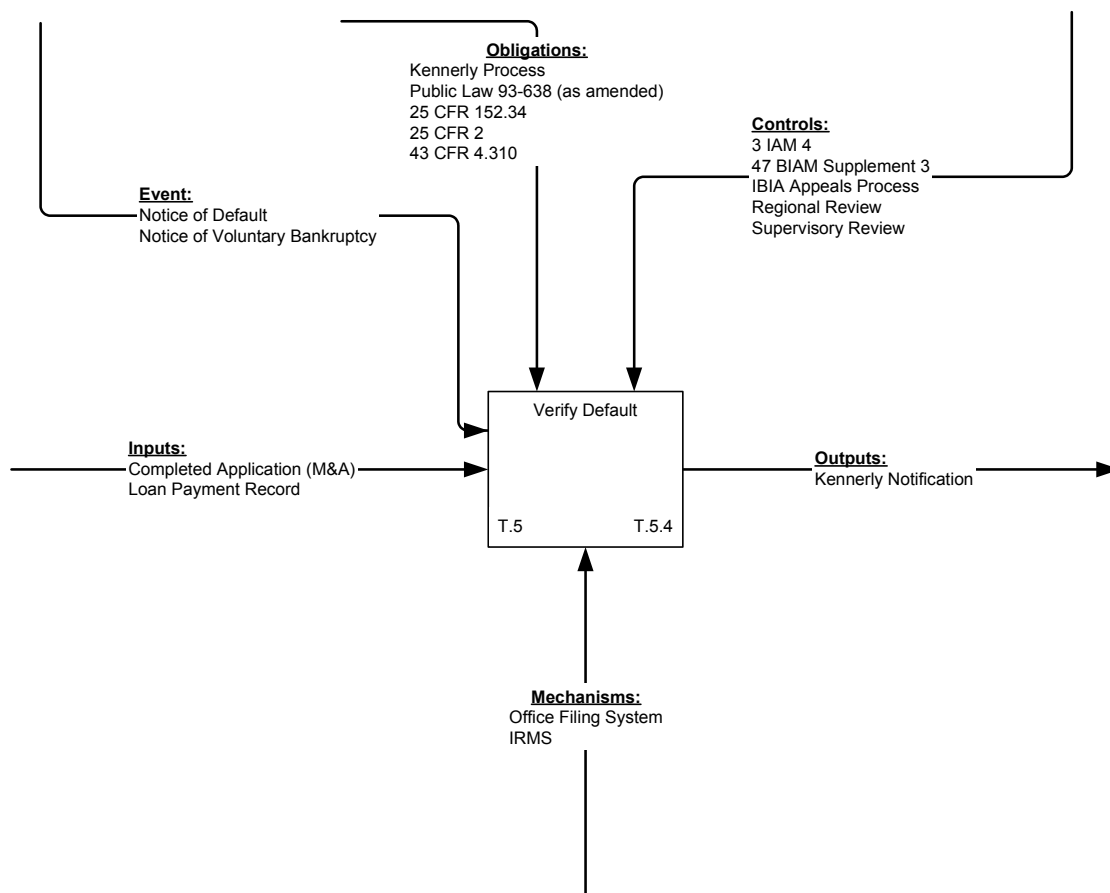


Figure 4.3.2- 34 Verify Default IDEF(0)



Repay Lender (T.5.5)

Starts with: Expiration of 30-day appeals period.

Ends with: Submit authorization to place credit hold on affected accounts and
Submit authorization to disburse Trust income to lending institution.

In the event of a default on a loan for which Trust income was used as collateral, BIA takes the steps required to place a credit hold on the beneficiary's Trust accounts and arranges for the associated Trust income to be paid to the lending institution until such time as the arrears have been satisfied. At that point, the credit hold is lifted and the beneficiary is once again responsible for satisfying the loan.

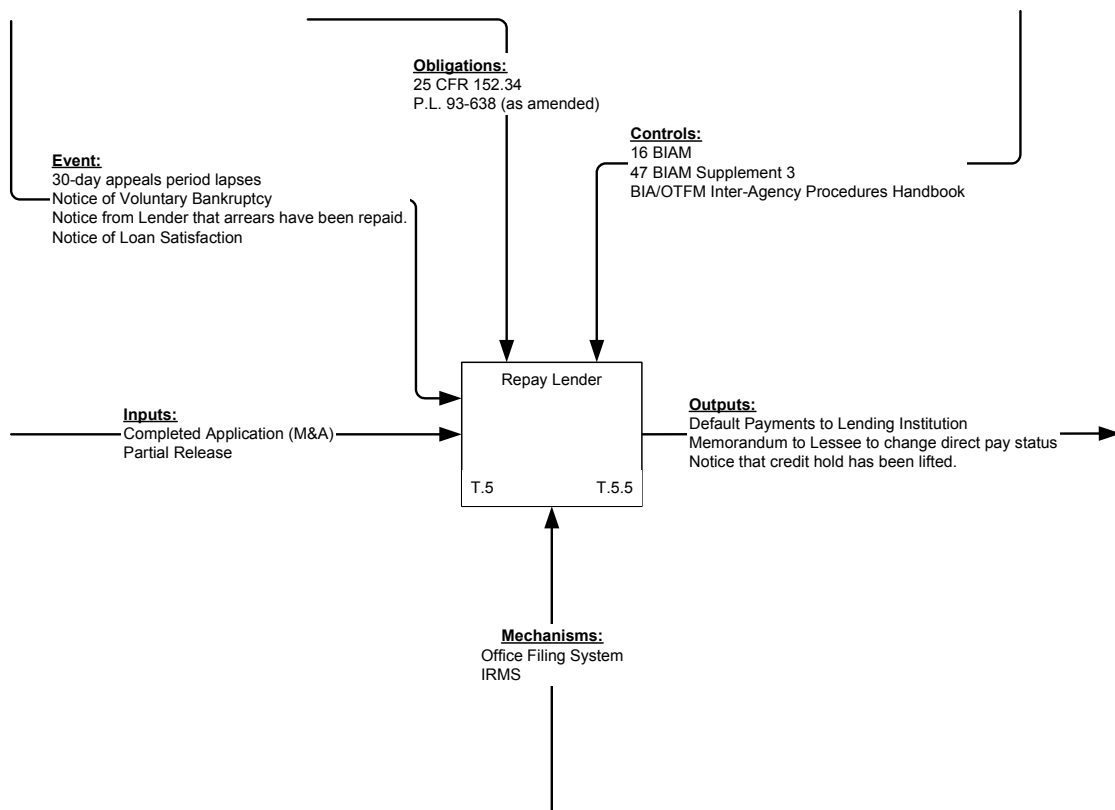


Figure 4.3.2- 35 Repay Lender IDEF(0)

Foreclose Property (T.5.6)

Starts with: Receive notice of foreclosure from the lending institution.

Ends with: Issue conveyance document and certified TSR documenting removal of Trust restrictions to the lending institution.

In the event of a notice of foreclosure, BIA notifies the Tribe and attempts to find a co-owner willing to assume responsibility for the lien in return for the Trust interest that was used as collateral. If successful, a Trust to Trust transfer is initiated and the new owner (individual or Tribal) assumes the lien. Otherwise, BIA takes the steps required to transfer title to the property to the lending institution.

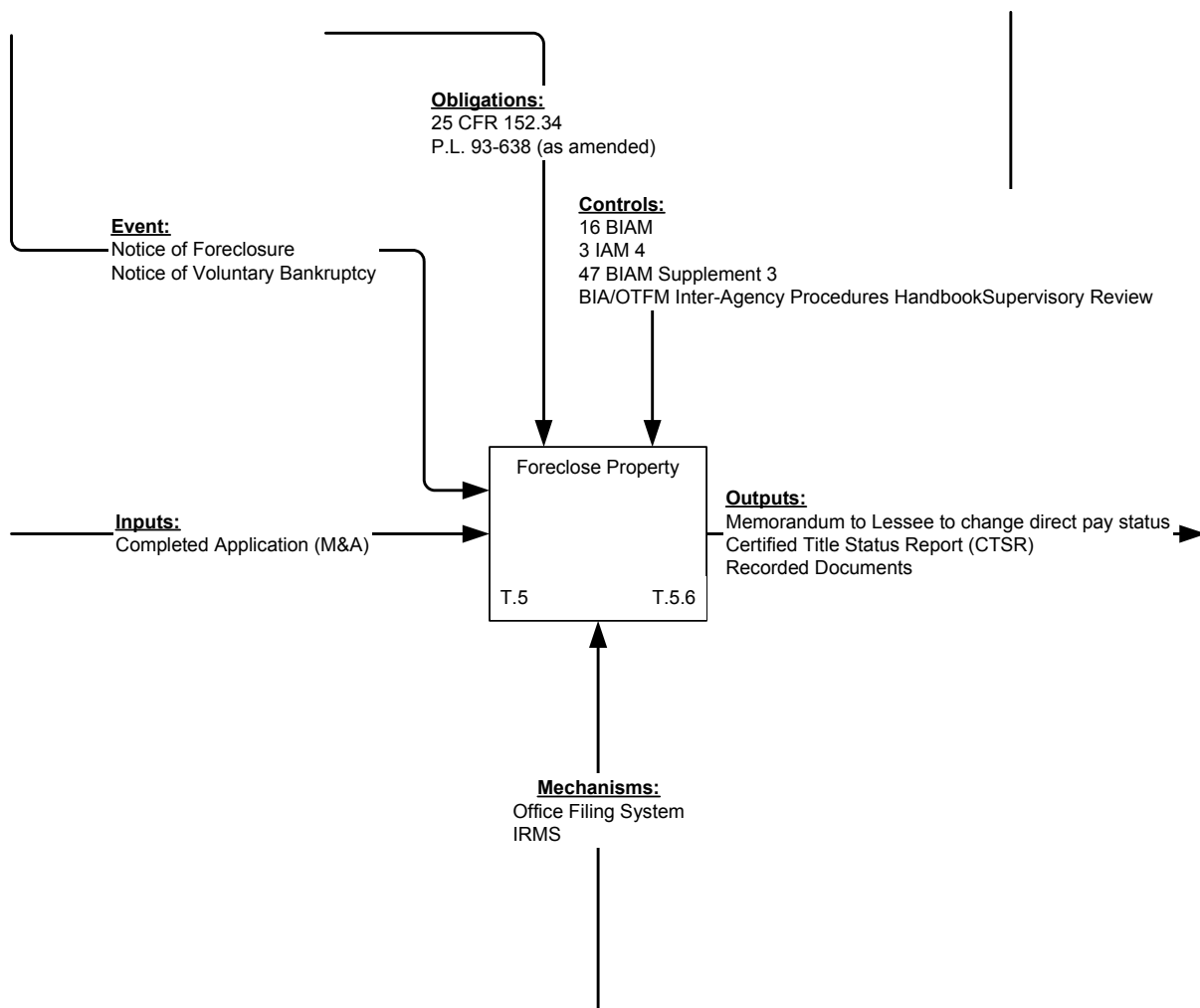


Figure 4.3.2- 36 Foreclose Property IDEF(0)



4.3.2.7 Maintain Title (T.6)

Starts with: Receive package for an approved, title-affecting transaction or
Receive updated survey information from BLM or
Receive Ducheneaux order from OHA.

Ends with: Update LTRO/TSO and Agency/Tribal systems of record.

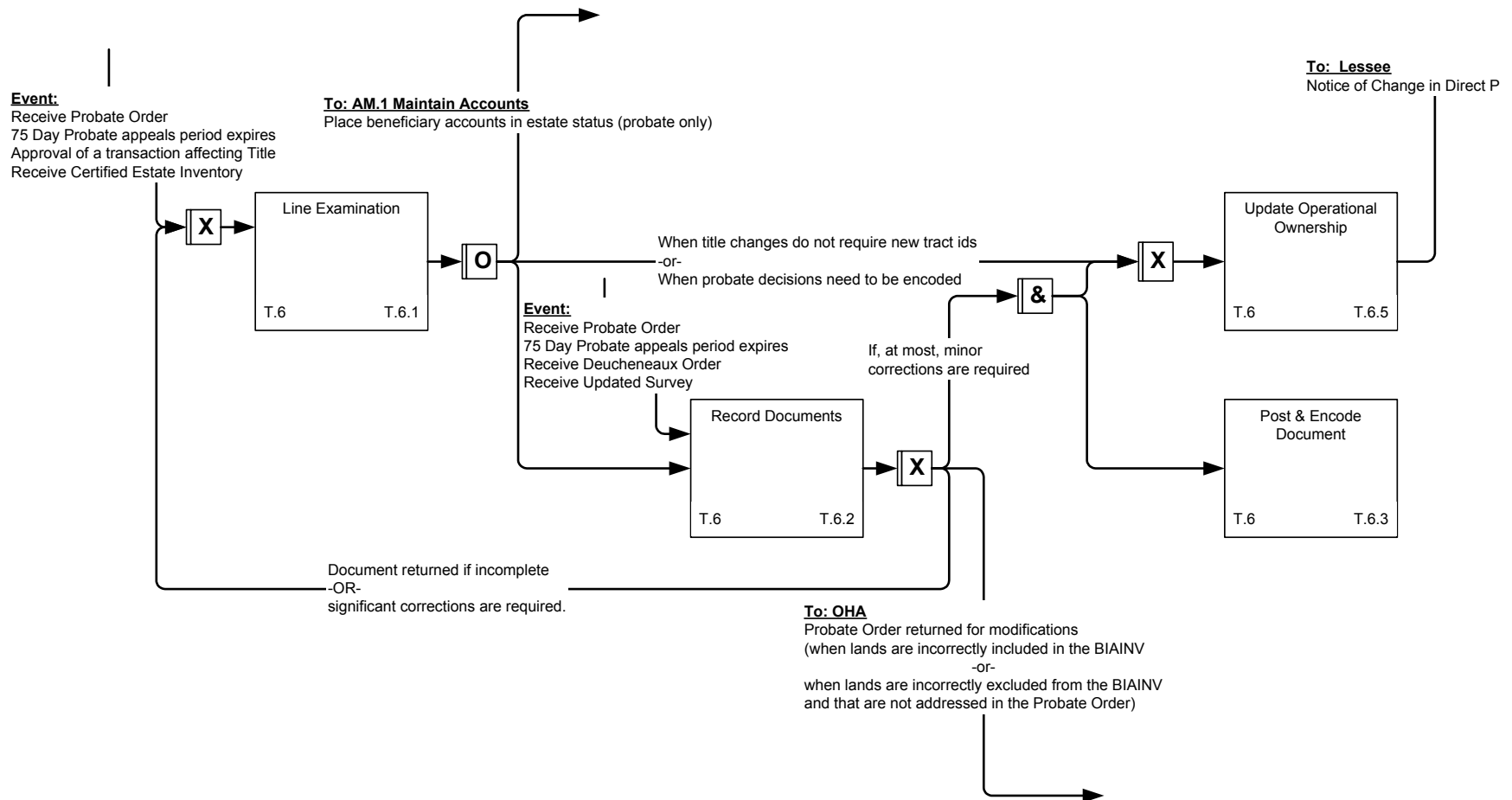
Title maintenance includes the processes associated with reviewing, recording, imaging/microfilming, posting and encoding title-related documents. Maintain title begins when a title-related transaction is approved by the DOI. The transaction package is reviewed to identify all documents that must be forwarded to the servicing LTRO/TSO for recordation and encoding. Unless new tract identifiers are required, Agency staff will update local ownership, realty and monetary interest records once the documents have been forwarded to LTRO/TSO.

Upon receiving the documents, the LTRO/TSO logs and verifies the accuracy of each document. Minor issues are addressed administratively. If significant errors are found, the documents are returned to the originating office for corrections.

Reviewed documents are recorded, indexed and imaged/microfilmed for safekeeping. The majority of these documents are being stored on microfilm and the LTRO/TSOs are currently exploring digital imaging options. After recording, non-probate originals are returned to the originating office. Working copies of all documents are used for subsequent maintenance activities. These activities include updates to the physical land index and to the electronic system(s) of record.

LTRO/TSO maintenance activities were heavily curtailed after the Temporary Restraining Order, and the subsequent Stop Order, issued on December 5, 2001. As a result, LTRO/TSOs have significant workload queues and do not expect to be current with Title maintenance until late in 2003.

Ducheneaux orders result from challenges to an individual's certified record of ownership. These challenges typically arise as a result of probate proceedings (although they can be instituted at any time) and are addressed by OHA. In the event that the record is found to be in error, the Administrative Law Judge orders a correction to the record of ownership. This correction must be completed, and a new certified record produced, before the original activity can proceed.





Beneficiary Involvement for Maintain Title

None.

Maintain Title Significant Notes

- a) LTRO/TSOs have implemented stand-alone systems to track the status recordation, posting and encoding activities.
- b) The Department currently uses more than 10 information systems to maintain title-related information. These mechanisms often contain overlapping and inconsistent information. In addition, many Agencies still rely on manual title records and have limited means of determining when title-related changes might affect other Agencies and Regions.
- c) There are no consistent criteria for identifying the set of documents that need to be recorded in an LTRO/TSO.
- d) LTRO/TSO Managers are currently identifying opportunities to standardize policies and procedures.
- e) Title maintenance is being performed at several levels. LTRO/TSOs maintain certified title. Agencies and Tribes maintain operational title records. Certified title maintenance often lags behind operational updates. There are no mechanisms or controls in place to ensure that title changes are consistently implemented.



Maintain Title Detail Description

Agency Examination (T.6.1)

Starts with: Receive approved, title-affecting transaction.

Ends with: Forward recording package to LTRO/TSO.

Agency realty personnel review the approved title-related application to identify the documents that need to be forwarded to the servicing LTRO/TSO for recordation and encoding.

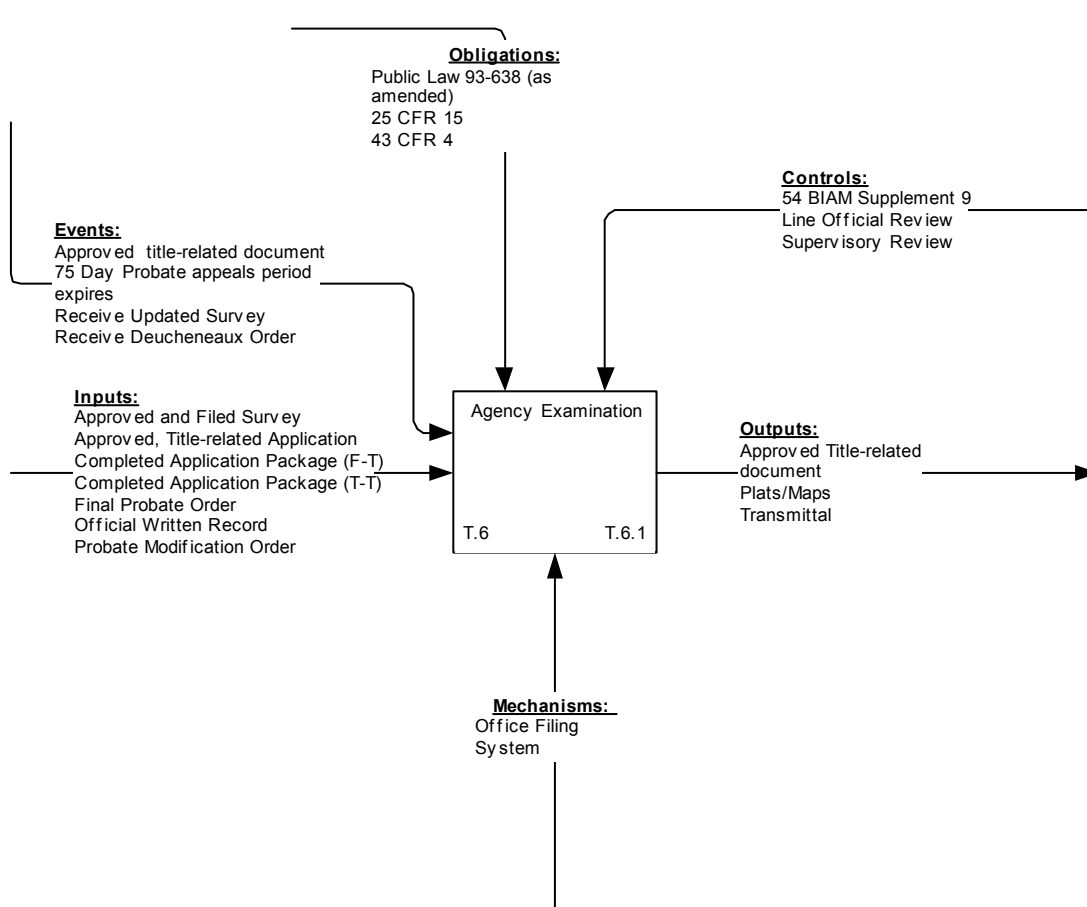


Figure 4.3.2- 38 Agency Examination IDEF(0)

Record Documents (T.6.2)

Starts with: Receive documents to be recorded from BIA Agency/Field Office.

Ends with: Image or microfilm documents for safekeeping.

Upon receipt of documents to be recorded, the servicing LTRO/TSO reviews the documents for errors, records the documents, verifies owner identification numbers and microfilms the document.

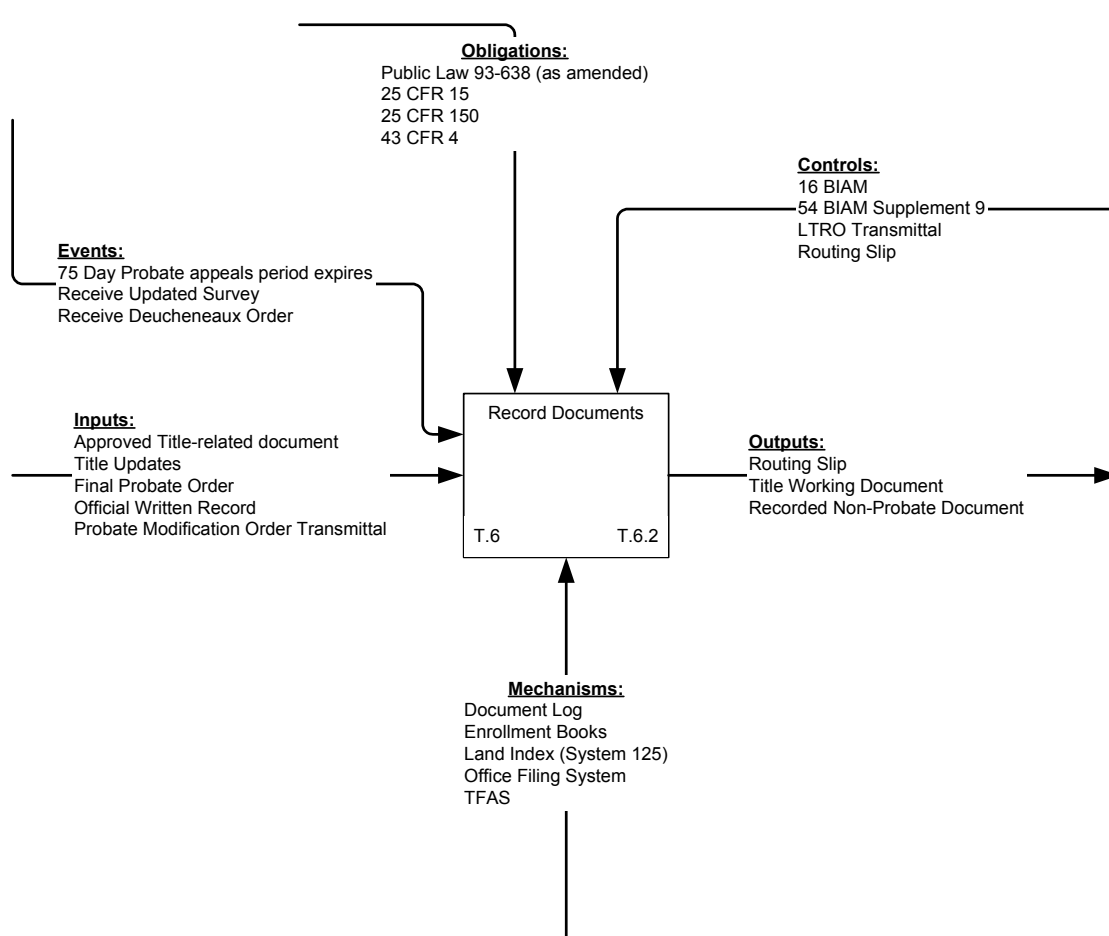


Figure 4.3.2- 39 Record Documents IDEF(0)



Post & Encode Documents (T.6.3)

Starts with: Receive working copy of document to be encoded.

Ends with: Encode title changes into LTRO/TSO system of record.

After title-related documents are recorded, the land index and the electronic systems of record are updated for all affected Trust parcels.

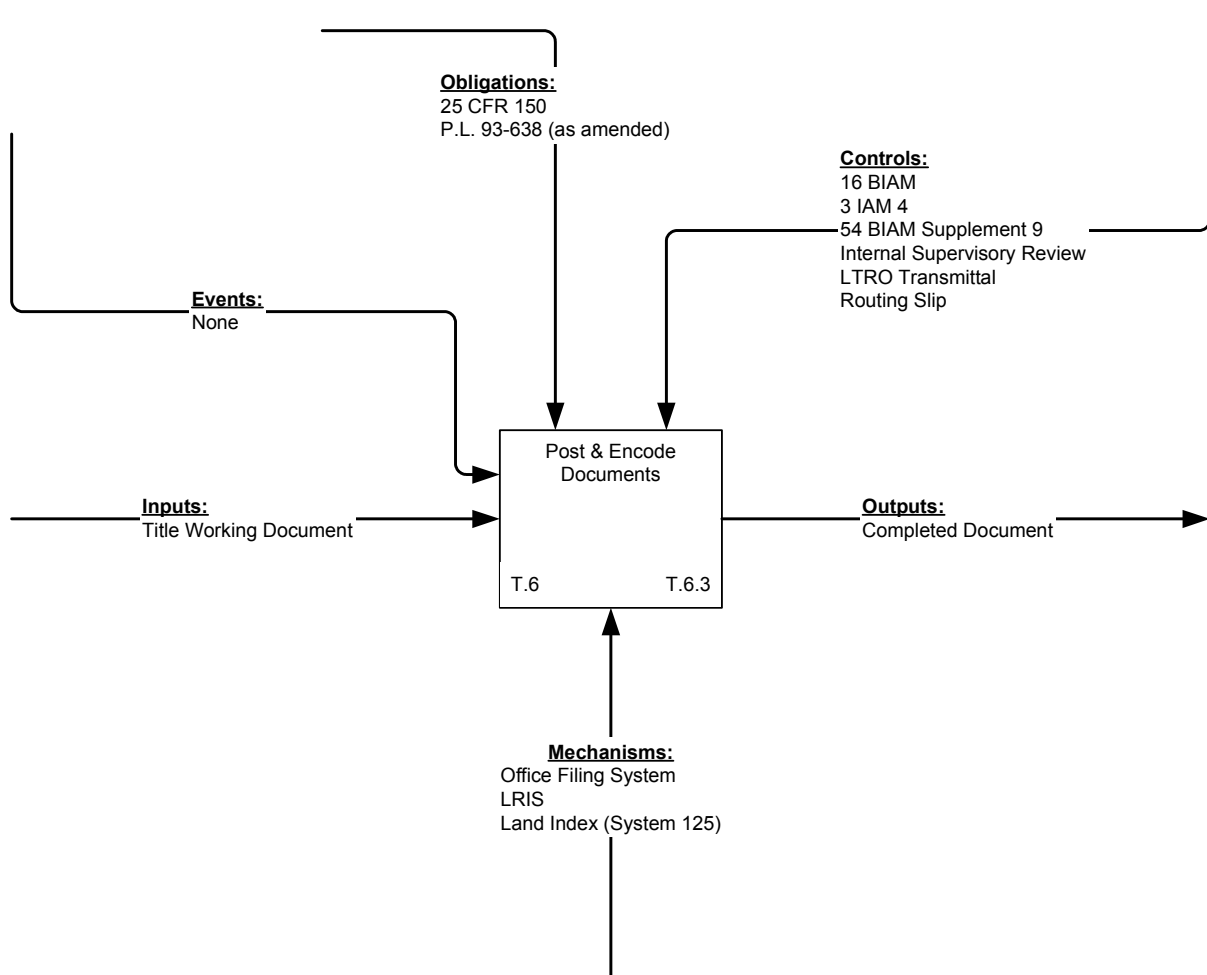


Figure 4.3.2- 40 Post & Encode Documents IDEF(0)

Update Operational Ownership (T.6.4)

Starts with: Receive documents to be encoded in BIA Agency/Field Office.
Ends with: Encode documents in Agency systems of record.

If the certified title maintenance does not require new tract identifiers, Agency and/or Tribal records are immediately updated to reflect the approved transaction. In the event that new tract IDs are required, Agency and Tribal updates are deferred until the certified maintenance is complete.

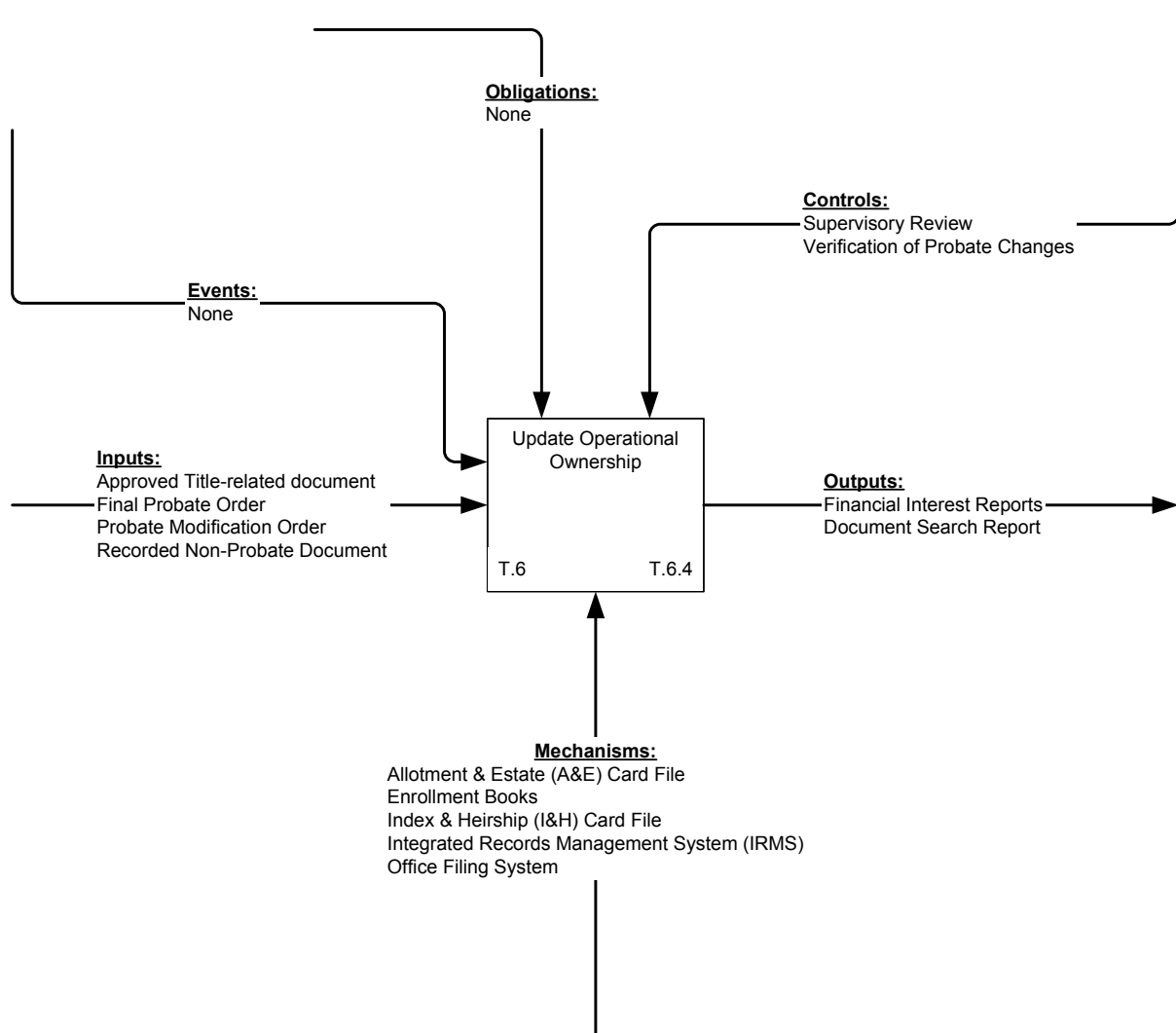


Figure 4.3.2- 41 Update Operational Ownership IDEF(0)



4.3.2.8 Produce Title Status Report (TSR) (T.7)

Starts with: Receive request for an uncertified or certified TSR from an interested party.

Ends with: Issue Title Status Report to the requestor or
Issue notice of denial to the requestor.

Review existing title records and, when a certified TSR is ordered, request any changes reflecting current ownership, encumbrances and conveyances associated with Trust/Restricted or allotted Real Property. Produce TSR begins when a request for either a certified or an uncertified TSR is received and is complete when either the requested document is returned to the originating office or, in the event that the requestor is not an interest holder in the property or otherwise authorized to obtain the report, a notification of denial has been issued.

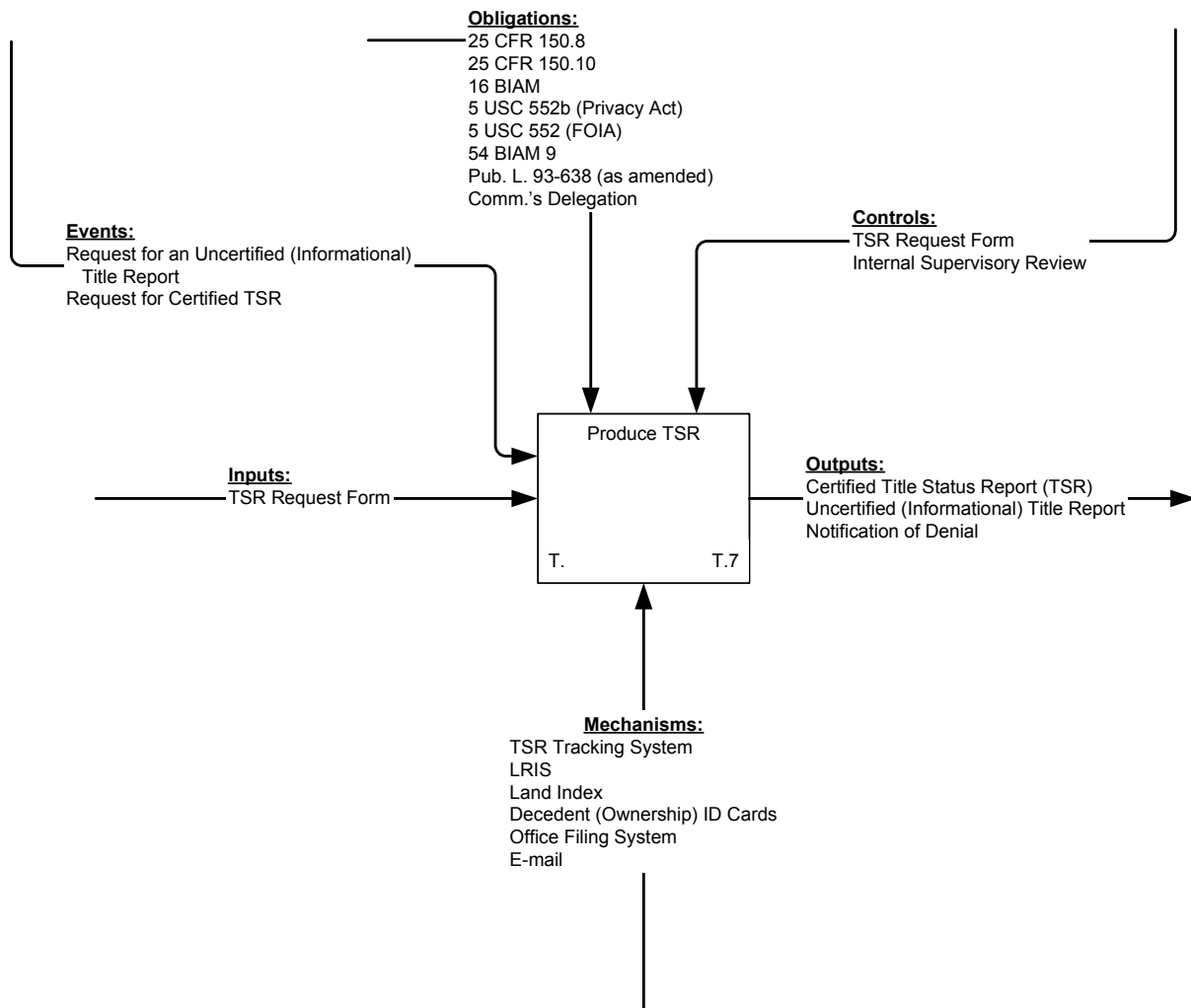


Figure 4.3.2- 42 Produce TSR IDEF(0)



Beneficiary Involvement for Produce TSR

Beneficiaries (individuals or Tribes) may request TSRs to support leasing / permitting activities, etc. Beneficiaries provide supplemental information as necessary to comply with their request for TSR.

Produce TSR Significant Notes

- a) In 1997, the formula used to establish the value of lands purchased by Tribes upon the death of a beneficiary was challenged and ultimately upheld by the U.S. Supreme Court (*Babbitt, Secretary of the Interior v. Youpee*, 519 US 234). In the *Youpee* decision, the Supreme Court held that ILCA was unconstitutional based on its assessment that the value of a parcel of land was limited to the income generated by that parcel. The Court held that, while the income is one consideration in the value of a parcel, the parcel has inherent value that cannot be discounted when lands are to be purchased by a Tribe.

Since that time, the Department's policy relative to *Youpee* has been to return escheated or purchased interests to the heirs and devisees until an acceptable appraisal formula can be developed. The full impact of *Youpee* on Probate and Title has not been quantified. Thousands of properties are affected, creating a significant demand for TSRs (and estate inventories) as lands are returned and probates are modified.

- b) There is a large backlog of TSR requests (certified and uncertified) as a result of the December 5, 2001 Temporary Restraining Order and subsequent Stop Order. LTRO/TSOs anticipate that it may be as late as 3Q 2003 before the backlog can be eliminated. This has severely impacted the LTRO/TSO's ability to produce Certified TSRs.
- c) Continuous data calls interrupt daily work activities and reduce available staff.



4.3.2.9 Produce Estate Inventory (T.8)

Starts with: Receive request for Individual Indian//Tribal Trust Interest Report or Certified Estate Inventory from an interested party.

Ends with: Issue requested report to the requestor or
Issue notice of denial to the requestor.

Individual Indian/Tribal Trust Interest Reports (ITI) and Certified Estate Inventories (BIAINV) identify individual interests in Trust and Restricted property and any life estates that encumber that property. Agency staffs typically produce and review ITIs to identify corrections that must be made in order to certify the estate inventory. These corrections are requested and an updated estate inventory is produced. This inventory is then reviewed by the LTRO/TSO manager and by the Agency or Tribal staff. The LTRO/TSO manager certifies the accuracy of the asset inventory and the Agency staff certifies the valuation of those lands.

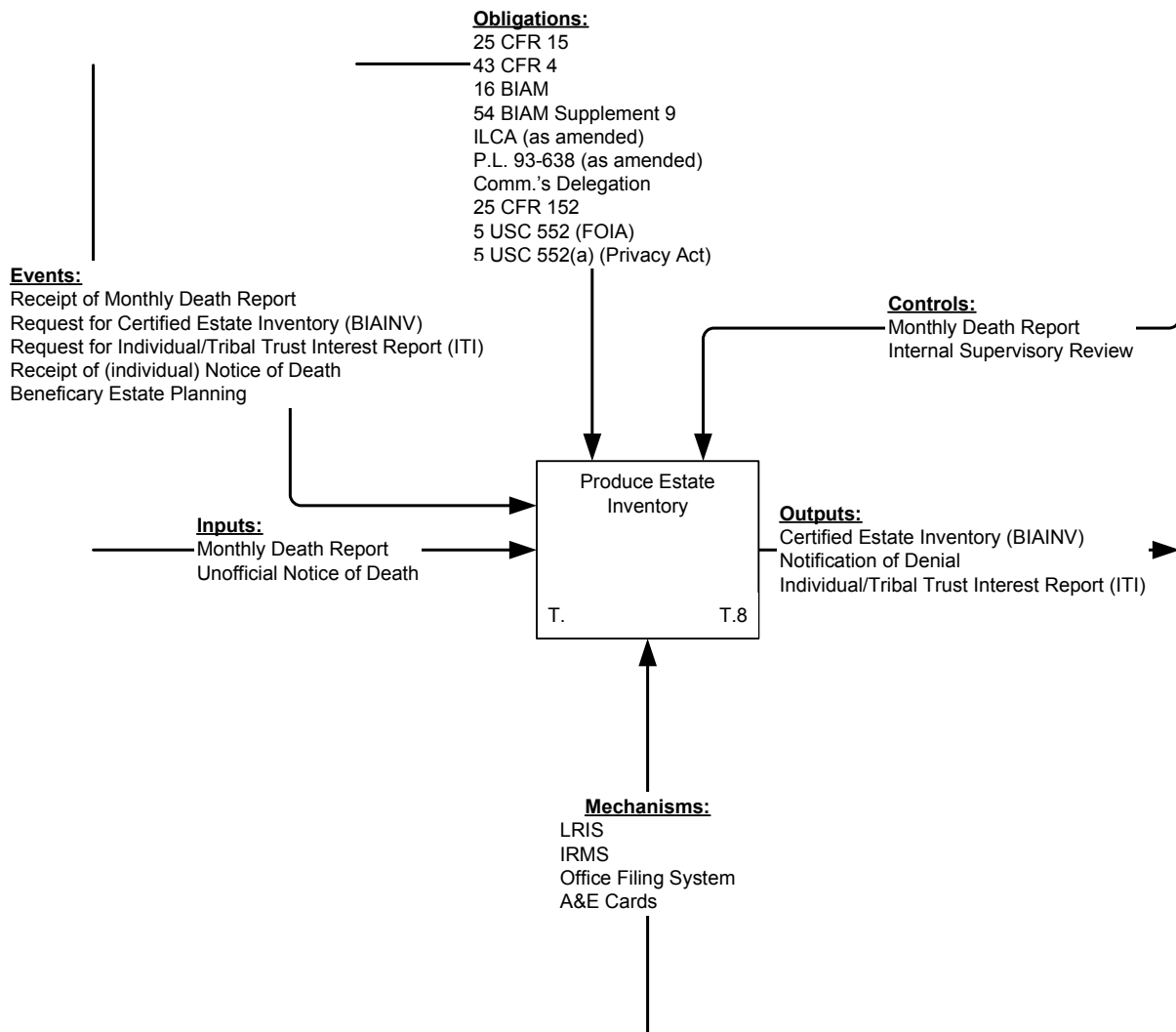


Figure 4.3.2- 43 Produce Estate Inventory IDEF(0)



Beneficiary Involvement for Produce Estate Inventory

Beneficiaries request their own ITI directly, and verify information and provide updates relative to the information contained in the document. Beneficiaries request tract history (chain of title).

Produce Estate Inventory Significant Notes

- a) LTRO/TSOs have consistently implemented stand-alone systems to track requests for estate inventories. These systems are typically distinct from the mechanisms used to monitor other LTRO/TSO activities.
- b) It is difficult to identify owner interests in properties managed by foreign agencies (agencies outside the region) or where those interests are managed by a separate system of record.



4.3.2.10 Title Services, Acquisition & Disposal Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perception of the functions being performed.

Table 4.3.2- 1 Great Plains Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains Region	Output Mechanism	MAD System is readily available with updated information inputs and reports from both the Agencies and Regional office.	Local Policy	MAD is only used in the Great Plains and Midwest Regions. Region- and Agency-specific systems of record increase the complexity and investment associated with information support.	Medium	Medium
Great Plains Region	Mechanism	DMP - Document Management Program	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Great Plains Region	Inter-process Relationship	Individual (Short Term) assignments are not recorded.	Procedural	While these assignments are typically for a year or	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				less, by not recording all liens, restrictions on title we are not maintaining a complete and accurate title record.		
Great Plains Region	Mechanism	GIS (ArcView)	Procedural	The Department benefits from the use of GIS technology for all Trust processes. However, there is no consistent application of GIS to date.	Medium	Medium
Great Plains Region	Control	Some Tribes send requests directly to LTRO/TSO. Done where there is a high level of Tribal contracting and compacting of Trust processes.	Procedural	Minimal	Low	Minor
Rosebud Sioux Tribe	Obligation	Isolated Tracts Act - Allows the Tribe to acquire additional Fee parcels using interest income generated from Trust revenues.	Statutory	Minimal	Low	Major



Table 4.3.2- 2 Midwest Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region Great Lakes Agency Michigan Field Office Bois Forte Band of Ojibwe Mille Lacs Band of Ojibwe	Mechanism	Location-specific Transaction and maintenance logs are used to monitor Trust activities.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Great Lakes Agency	Input	MOU between Lender and Tribe (Default)	Procedural	In the event of an individual beneficiary's default, the MOU states that the Tribe will assume the mortgage.	Medium	Medium
Mille Lacs Band of Ojibwe	Obligation	Mortgage Statute Establishes the Tribe's authority to approve mortgages on Trust lands.	Statute	The lack of Departmental approval brings into question the legality of the encumbrance (approving encumbrances on Trust lands is an inherently federal function).	High	Medium
Midwest	Obligations Beneficiary Involvement	Menominee Restoration Act	Statutory	Allows the Tribe to move forward with Fee-Trust Acquisitions without	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				clearing title. Tribe may satisfy liens or encumbrances prior to formal acceptance of trust title in order to avoid foreclosure.		
Minnesota Agency - White Earth Band Ojibwe	Obligation	White Earth Land Settlement Act (WELSA) - contains specific language for mandatory acquisition authority.	Statutory	Minimal	Low	Major
Mille Lacs Band of Ojibwe	Obligation	Commissioner of Natural Resources Order relative to Environmental Assessments	Tribal Ordinance	Sets forth the requirement to comply with environmental statutes relative to transactions on Trust and Tribally owned lands.	Low	Major
Mille Lacs Band of Ojibwe Bois Forte Band of Ojibwe	Control Output Mechanism	A GIS system is used to identify the location of the ROW/Easement	Tribal Procedures	The Department would benefit from the use of GIS technology for all Trust processes. However, there is no consistent application of GIS to date.	High	Minor
Mille Lacs Band of Ojibwe	Obligation	Commissioners Order	Tribal Procedures	Identifies when operation title maintenance must occur.	Low	Major
Mille Lacs Band of Ojibwe	Organization	Tribal Courts - Makes Decision relative to Defaults and	Tribal Statute	Tribal Court involvement due to Tribe approving	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Foreclosures proceedings.		mortgages on Trust lands. Non-departmental approval brings into question the legality of the encumbrance and puts Trust lands at risk.		

Table 4.3.2- 3 Eastern Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region	Mechanism	Regional Title maintenance - Access Database updated for Judgment accounts only.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Eastern Region	Process	Eastern Region doesn't process Trust to Trust. No allotments, all Trust lands in Eastern Region are under Tribal ownership.	No Individual Allotments	Minimal	Low	Major
Eastern Region	Process	No disposal activity in Eastern	No Individual	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Region - No allotments, all Trust lands are Tribally owned.	Allotments			
Eastern Region	Mechanism	Survey Logs Updated as each Fee-Trust acquisition is reviewed.	Procedural	Skilled Realty Specialist can interpret various survey reports; less trained staff, however, may not be able to. Lands may need to be resurveyed by BLM to bring all documents current with same survey technique (resulting in re-work).	High	Medium
Eastern Region	Input	The Eastern Region has developed Conservation Plans for Tribal lands. These plans define the planned use of Tribal lands are used when evaluating the impact of ROWs on Tribal land.	Procedural	Conservation plans are used to ensure ROW plans and activities comply with Tribal objectives and existing leases.	Low	Medium

Table 4.3.2- 4 Alaska Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Mechanism	TAAMS was chosen as the system of record into which Alaska paper-based records are	Departmental Policy	Region- and Agency-specific computer systems decrease the effort required	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		being entered.		to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.		
Alaska Region	Organization Office Obligation Event	As established by the Native Allotment Act of 1906, the Native Townsite Act of 1926 and the Vietnam Veteran Act of 1988, BLM issues a Conveyance of Public Domain Lands as opposed to Trust patents. The BIA assumes responsibility for managing these lands once the conveyance is received from the BLM.	Federal Statute	The BLM uses an entirely separate organizational infrastructure and separate processes and tools to convey Alaskan interests.	High	Major
Alaska Region	Obligation	25 USC 409.A - Conveyance of Restricted lands to Disposal, which allows reinvestments.	Federal Statute	Minimal	Low	Major
Alaska Region	Mechanism	Region specific logs and databases (ex: Report of Investigation Database) are used to prioritize and monitor Title- and A&D-related requests.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				complexity of, and investment in, information support as compared to common mechanisms.		
Alaska Region	Role	Kennerly notification not applicable to Alaska. This region considers the agreement, and any subsequent issues, to be between the applicant and the lender.	Local Policy	No notification of default is provided until foreclosure notice is received. As a result, there is a significantly higher risk of diminishing Trust lands.	High	Minor
Alaska Region	Control	Regional ROW Handbook Alaska Regional Procedures Handbook Alaska Regional Mortgage Handbook	Procedural	Region- and Agency-specific handbooks maintain consistency of local processes but increase the complexity of administering Department-wide programs.	Medium	Minor
Alaska Region	Input	Title Insurance Policy - Provided by Lending Institution	Procedural	Minimal	Low	Major
Alaska Region	Input	The last three years tax returns are required as input when reviewing applications for mortgages and assignments.	Procedural.	Minimal	Low	Major
Alaska Region	Obligation	BLM is not bound by 25 CFR or by Deputy Commissioner's	Regulatory	If BLM is not making their decision analysis available,	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Memoranda, including that of February 5 2002	43 CFR	interested parties will not have access to the information on which Departmental decisions are based.		
Alaska Region	Output	BLM is governed by separate regulations and, as a result, Public Notices are not issued in this Region.	Regulatory 43 CFR 25 CFR 151	Without public notice BLM may not learn of superior claims before transferring land.	Medium	Major
Alaska Region	Mechanism	Alaska State Recording System - All title related transactions in Alaska must be recorded with the State.	State Statute	Minimal	Low	Medium
Alaska Region	Beneficiary Involvement	Due to the low volume of requests for Restricted Fee conveyances Alaska BIA pays for Title Insurance.	Workload	Reduces resources available for other programs.	Low	Minor

Table 4.3.2- 5 Northwest Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Confederated Salish and Kootenai	Office	Fee-Trust title Documents Recorded at Flathead Title Plant.	Compacted Responsibility	The use of inconsistent mechanisms and tools for the management of title-	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				related information increases the complexity of maintaining a complete, accurate record of Trust interests for beneficiaries.		
Colville Business Council	Office	Fee-Trust title Documents Recorded at Colville Title Plant.	Contracted Responsibility	The use of inconsistent mechanisms and tools for the management of title-related information increases the complexity of maintaining a complete, accurate record of Trust interests for beneficiaries.	Medium	Major
Northwest Region Yakima Agency Northern Idaho Agency Siletz Tribal Council Colville Business Council Confederated Salish and Kootenai	Mechanism	Agency and Tribal specific Fee to Trust transaction Log. Other Systems of Record vary within this Region. Of the 43 Tribes in the NW Region, 20 operate Realty Program either under contract or compact agreements. Agencies also create their own access database	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Northwest	Role	Memorandum of Understanding - Archeology Environmental	Procedural	Regional Archeologist and Environmental Specialist develop arch. & environmental compliance	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				agreements for Rights-of Ways between the applicant and BIA/Tribe.		
Northwest Region	Organization	Farm Services Bureau	Procedural	In the event of a default, land is put in escrow until arrears are paid.	Medium	Medium
Northwest Region	Control	Fee-Trust handbook - Procedural Manual	Procedural	The handbook is used to maintain consistency within the Northwest Region.	Medium	Minor
Northwest Region	Input Output	BLM reviews legal descriptions for Fee parcels.	Procedural	Since the DOI is no longer surveying Fee lands prior to accepting them in Trust, this review assures the Department that there is a reasonable description of the lands being brought into Trust.	Medium	Minor
Northwest Region	Inter-process Relationship	Due to the length of time for processing Fee to Trust acquisitions and the limited life of an ESA, Phase 1 ESAs are done as close as possible to the deed acceptance date.	Procedural	This ensures the region has updated information on the ESA, however, also increases the time to complete an acquisition.	Medium	Minor
Yakima Agency	Role	An inter-disciplinary team consist of Natural Resource and Realty staff from the Agency and the	Procedural	Having BIA and Tribal personnel review Fee-T rust applications together	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Tribe review Fee-Trust acquisitions.		reduces the time required to complete acquisitions.		
Northern Idaho Agency	Organization	In the event of default, land is not lost. - Borrowing from Nez Perce Tribal credit program. Assigning Trust income to satisfy the debt. (Tribal short term loan program)	Procedural	Rather than going through foreclosure, land is put in escrow until assignment of Trust income satisfies the amount in arrears.	Low	Medium
Siletz Tribal Council	Control	Fee-Trust handbook - Procedural Manual - specific to Siletz Tribe	Tribal Procedures	The handbook is used to maintain consistent procedures for the Tribe.	Medium	Major
Siletz Tribal Council	Role	Cultural Committee - Siletz Tribal Council.	Tribal Procedures	Cultural Committee convenes on an as needed basis to review cultural issues and the impact of the ROW.	Medium	Minor

Table 4.3.2- 6 Eastern Oklahoma Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Input	The TRO created a substantial backlog of TSR requests, forcing Agencies to use local records until the backlog can be eliminated. As a result, Certified	Court Order	The inability to obtain a certified record of title decreases the reliability of the records (identifying owner interests and	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		TSRs are not consistently used in this location.		encumbrances) upon which beneficiary and Departmental decisions are based.		
Eastern Oklahoma Region Osage Nation of Oklahoma Five Civilized Tribes	Role	District Court Judge - Judge will issue (approve) conveyance documents for the five Tribes as well as condemnation	Federal Statute	Maintaining certified title records in the County Courthouse increases the complexity associated with developing complete land inventories for individuals with interests in multiple locations.	High	Major
5 Civilized Tribes	Organization	Restricted Fee lands held by the Five Civilized Tribes are sold via processes administered by the federal judicial system (county courts) as opposed to the BIA.	Federal Statute	Aside from the impact of inconsistent business procedures, this requirement has a minimal effect on the Trust processes.	Medium	Major
Quapaw Tribe of Oklahoma Miami Tribe of Oklahoma	Process Description	The Quapaw and Miami Tribes hold Restricted Fee land that is subject to local taxation.	Federal Statute	If the beneficiary becomes delinquent on property taxes, the county can place a tax lien on the property and, unless the lien is satisfied, foreclose and conduct a public land sale.	Medium	Major
Eastern Oklahoma Region	Organization	Trust records are maintained in the county records office rather	Federal	The use of non-Departmental and Agency-	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Role Obligation Input Output Mechanism	than in LRIS. Operational ownership is maintained using agency-specific manual records.	Statute State Statute Local Policy	or Region-specific mechanisms increases the complexity and investment in information support and the effort required to manage Trust data.		
Eastern Oklahoma Region	Obligation	Checklist for Non-Gaming Trust Acquisition - Identifies the document required to issue a preliminary Title Opinion.	Local Policy	Where Agency- or Region-specific checklists are created, the likelihood that Trust processes will be inconsistent increases.	High	Minor
Eastern Oklahoma Region	Mechanism	Region-specific logs, and other mechanisms, are used to monitor Trust transactions and produce monthly reports.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Eastern Oklahoma Region Miami Field Office	Mechanism	Region- and Agency-specific computer systems and manual records are used to manage enrollment, owner interests, allotment and realty information.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.		
Eastern Oklahoma Region	Output	The BIA and Lending Institutions enter into MOUs that describe the roles and responsibilities of each organization in the event of defaults and foreclosures and loan satisfaction.	Local Policy	The MOUs significantly reduced the number of foreclosures stemming from beneficiary defaults.	Medium	Minor
Eastern Oklahoma Region	Input	The DOI requires applicants to provide a 'No Lien Affidavit' for Fee-Trust applications. These affidavits are obtained in lieu of updated title insurance policies.	Procedural	The affidavits provide assurance that there are no outstanding liabilities that the DOI will have to clear after accepting lands into Trust.	High	Minor
Eastern Oklahoma Agency	Input Inter-process Relationship	The Preliminary Title Opinion is issued after the BIA solicits comments from state and local Governments.	Procedural	Waiting on comments from state and local governments increases the time required to complete the Fee-Trust acquisition (and the economic burden to the beneficiary). Solicitors do, however, need to participate in the BIA's review of these comments.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Input	Eastern Oklahoma requires applicants to provide a statement that mineral development won't interfere with the intended use of the property.	Procedural	These statements ensure that the impacts of O&G activities are known prior to approval.	Medium	Minor
Eastern Oklahoma Region	Input	Required documents identified in the solicitors office memorandum	Procedural	Where the memorandum is used as a guideline, consistent information is available for the evaluation of a proposed acquisition.	Medium	Minor
Eastern Oklahoma Region	Output	The Initial Certificate of Inspection & Possession is not applicable in these regions	Procedural	Without an initial CIP, the identification of possession claims that will affect the DOI's decision may be delayed.	Medium	Minor
Eastern Oklahoma Region	Successor	AM.2 Beneficiary accounts are not put on hold while title-affecting transactions are recorded.	Procedural	If Trust income is distributed in the timeframe between approval and encoding, those distributions may be in error.	High	Minor
Eastern Oklahoma Region Miami Field Office	Output	The list of documents that are recorded for Trust transactions is inconsistent within the region.	Procedural	LTRO/TSOs are receiving and recording inconsistent sets of documents for Trust transactions, increasing the likelihood that relevant	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				information may not be recorded and imaged for safe-keeping.		
Eastern Oklahoma Region	Output	Recorded Non-Probate Document - Excluding ROW	Procedural	Minimal	Low	Minor
Eastern Oklahoma Region	Office	The Five Civilized Tribes serve notice of sale or disposal of lands through the district court. 40 counties are affected	State Statute Federal Statute	Aside from the impact of inconsistent business procedures, this requirement has a minimal effect on the Trust processes.	Medium	Major
Eastern Oklahoma Region	Role	Field Solicitor - Represents 5 Tribes in district court.	Tribal Obligation	Minimal	Low	Major
Miami Field Office	Beneficiary Involvement	Tribes draft the 'Solicitation for Comments' that will be forwarded to the local government. Tribe also helps in the preparation of environmental report	Tribal Policy	Minimal	Low	Medium

Table 4.3.2- 7 Southern Plains Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Plains Region	Input	The TRO created a substantial	Court Order	The inability to obtain a	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		backlog of TSR requests, forcing Agencies to use local records until the backlog can be eliminated. As a result, Certified TSR are not consistently used in this location.		certified record of title decreases the reliability of the records (identifying owner interests and encumbrances) upon which beneficiary and Departmental decisions are based.		
Southern Plains Region	Obligation	Checklist for Non-Gaming Trust Acquisition - Identifies the documents required to issue a preliminary Title Opinion	Departmental Policy	Where agency- or region-specific checklists are created, the likelihood that Trust processes will be inconsistent increases.	High	Minor
Southern Plains Region	Input	The DOI requires applicants to provide a 'No Lien Affidavit' for Fee-Trust applications in lieu of obtaining updated title insurance policies.	Local Policy	The affidavits provide assurance that there are no outstanding liabilities that the DOI will have to clear after accepting lands into Trust.	High	Minor
Southern Plains Region	Mechanism	TAAMS is used rather than LRIS. Manual records are used instead of IRMS.	Local Policy	Region- and agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				support as compared to common mechanisms.		
Southern Plains Region	Output Mechanism	Region-specific logs, and other mechanisms, are used to monitor Trust transactions and produce monthly reports.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Southern Plains Region	Output	The BIA and Lending Institutions enter into MOUs that describe the roles and responsibilities of each organization in the event of defaults and foreclosures.	Local Policy	The MOUs significantly reduced the number of foreclosures stemming from beneficiary defaults.	Medium	Minor
Southern Plains Region	Output	Recorded Non-Probate Document - Excluding ROW. ROW originals are maintained in the LTRO/TSOs for archival purposes.	Local Policy	Minimal	Low	Minor
Horton Field Office	Office Mechanism	Horton deals with large volumes of mining by-products (chat). As a result, the Field Office certifies chat as Trust personal property	Procedural	Chat is a subject of current litigation; consequently, the full business impact is not yet known.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		using a local database.				
Southern Plains Region	Control	Land Sale Committee Review - Reviews Trust to Trust transaction requests	Procedural	A combined review reduces the time required to complete Trust transactions.	Medium	Medium
Southern Plains	Input Inter-process Relationship	The Preliminary Title Opinion is issued after the BIA solicits comments from state and local Governments. This enables the solicitor assess any title-related issues that are raised in the comments from state and local governments.	Procedural	Waiting on comments from state and local governments increases the time required to complete the Fee-Trust acquisition (and the economic burden to the beneficiary). Solicitors do, however, need to participate in the BIA's review of these comments.	Medium	Minor
Southern Plains Region	Input	Southern Plains requires applicants to provide a statement that mineral development won't interfere with the intended use of the property.	Procedural	These statements ensure that the impacts of O&G activities are known prior to approval.	Medium	Minor
Southern Plains Region	Input Obligation	Required documents identified in the Solicitors Office memorandum	Procedural	Where the memorandum is used as a guideline, consistent information is available for the evaluation of a proposed acquisition.	Medium	Minor
Southern Plains Region	Inter-process	AM.2 Beneficiary accounts are	Procedural	If Trust income is	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Relationship	not put on hold while title-affecting transactions are recorded.		distributed in the timeframe between approval and encoding, those distributions may be in error.		
Southern Plains Region (Except for Anadarko Agency)	Output	The Initial Certificate of Inspection & Possession is not applicable in these regions	Procedural	Without an initial CIP, the identification of possession claims that will affect the DOI's decision may be delayed.	Medium	Minor
Southern Plains Region (Except for Anadarko Agency)	Output	Land Inventory - Is attached with the Conveyance Document and is a beneficiary receipt, if they don't pick it up, they send it certified mail.	Procedural	Minimal	Low	Minor
Southern Plains Region	Input Control Mechanism	Real Estate Module (REM) - Generates ownership reports, consent forms, deeds, etc.	System Availability	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Major
Absentee-Shawnee Tribe of	Obligation	Land Consolidation Plan	Tribal Code	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Oklahoma						
Southern Plains Region	Role	Field Solicitor - Represents 5 Tribes in district court.	Tribal Obligation	Minimal	Low	Major
Southern Plains Region	Mechanism	Southern Plains deals with significant O&G deposits, making the use of a Royalty Distribution system appropriate. As a result, RDRS is used to track O&G interests.	Workload	RDRS is used to integrate BIA and MMS procedures.	Medium	Medium

Table 4.3.2- 8 Rocky Mountain Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Mechanism	LRIS is only used to keep track of document IDs and to maintain historical ownership information. TAAMS is used to maintain current Title records.	Departmental Policy	Both TAAMS and LRIS must be referenced when researching TSRs and Estate Inventories, increasing the complexity and effort required to perform those activities.	Medium	Medium
Rocky Mountain Region	Event Obligation	Farm Service Administration (FSA) foreclosures may result in land being transferred to the BIA until the lien has been satisfied	Federal Statute	FSA foreclosures force the BIA to either find a suitable candidate that can assume the lien (in return for the	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		via income generated from that parcel. At that point, the land will be transferred, in Trust, to the Tribe with jurisdiction		Trust interest) or to assume responsibility for repaying the lender.		
Rocky Mountain Region	Obligation	FSA Statute - Farm Service Agency statutes governing the disposition of foreclosed properties.	Federal Statute	FSA foreclosures force the BIA to either find a suitable candidate that can assume the lien (in return for the Trust interest) or to assume responsibility for repaying the lender.	Medium	Major
Crow Agency	Organization Role Office Obligation Control	For Fee-Trust acquisitions on Crow Agency, Section 2 of the 1920 Crow Allotment Act must be addressed	Federal Statute Regulation	The impact of the Crow Allotment Act on Trust acquisitions is currently being reviewed.	Not Known	Major
Rocky Mountain Region	Mechanism	Dbase System - Fee-Trust Tracking System.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				common mechanisms.		
Crow Agency	Mechanism	Competent Lease Database - Used to record competent lease activity.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Fort Peck Agency	Mechanism	Probate Tracking System - Access-based database that tracks staff activities associated with probates.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Crow Agency Blackfeet Agency Fort Peck Agency Wind River Agency	Output	Conveyance Document is filed in the County Recorders Office by the agency	Procedural	Minimal	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Control	Mortgage Checklist Leasehold Mortgage Checklist	Procedural	The use of Agency- or Region-specific checklists increases the consistency of business processes within the Region.	Medium	Minor
Rocky Mountain Region	Role	Rocky Mountain Region does not perform Archeologist Assessment for Trust acquisitions. These assessments are deferred until significant changes in the use of the land are proposed.	Procedural	Deferring archeological assessments decreases the time required to complete Trust acquisitions. It also, however, increases the risk that beneficiaries may not be able to use the property as intended.	High	Minor
Rocky Mountain Region	Mechanism	TSR Tracking System - Access based system developed locally	Regional Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Rocky Mountain Region	Beneficiary Involvement	Dower holder (or life estate holder) must consent to the	State Statute	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		conveyance or extinguish their interest in the property in order for the transaction to proceed.				
Rocky Mountain Region	Beneficiary Involvement	Tribal Land & Resource Committees review transactions, and declare interest in purchasing lands. This information is forwarded to the agency Realty staff.	Tribal Policy	Minimal	Low	Major
Rocky Mountain Region	Input Beneficiary Involvement	Tribal Acquisition, the Tribal attorney provides a title opinion when an abstract is utilized rather than title insurance	Tribal Policy	Minimal	Low	Medium
Rocky Mountain Region	Role	Lead Legal Instruments Examiner - This review is only performed to assure the quality of new / inexperienced employees	Workload Staffing	Un-reviewed updates to the systems of record increase the likelihood that subsequent decisions are based on incorrect information.	Medium	Medium

Table 4.3.2- 9 Navajo Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Navajo Agency	Office	Agency/Field Office - obtain	Departmental	Consent for ROW required	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		consent from Hopi Tribe	Policy	from the Hopi Tribe for ROWs crossing lands under the jurisdiction of Navajo-Hopi Relocation Commission.		
Eastern Navajo Agency	Organization	Bureau of Land Management (BLM)	Departmental Policy	Eastern Navajo Agency coordinates with BLM on ROWs affecting allotments within wilderness areas.	Medium	Major
Eastern Navajo Agency	Organization	National Park Service	Departmental Policy	For Eastern Navajo, coordinate with NPS for allotments within the Chaco Canyon.	Medium	Major
Eastern Navajo Agency	Role	IBLA Judge - Hears appeals	Departmental Policy	IBLA, rather than IBIA Administrative Judge hears and renders decisions on appeals relative to ROWs in wilderness areas.	Medium	Major
Navajo Nation	Organization	Navajo Indian Irrigation Project	Departmental Policy	Review and issue compliances for irrigation ROWs	Medium	Major
Eastern Navajo Agency	Organization	Agency – performs or reviews appraisals of the lands associated with a ROW/Easement. Requires warranty bonds from non-Governmental applicants in return	Departmental Policy	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		for the right to survey Trust lands. Requires signatures from Governmental applicants indicating that.				
Navajo Region	Organization	Education Line Officials provide consent for ROWs that transit Trust lands on which there are schools. They provide approval for ROWs that terminate on Trust lands on which there are schools.	Departmental Policy	Minimal	Low	Major
Shiprock Agency Western Navajo Agency Chinle Agency Fort Defiance Agency	Organization	Performs or reviews appraisals of lands associated with non-governmental Rights of Way in which government monies are not being used for the construction. Requires warranty bonds from non-Governmental applicants in return for the right to survey Trust lands.	Departmental Policy	Minimal	Low	Major
Navajo Region	Event	Lending institutions are not reliably forwarding notices of repayment or default to the Department.	External	The inability to receive timely notifications of default impairs the DOI's ability to avoid foreclosures and preserve Trust lands.	High	Medium
Navajo Region Eastern Navajo Agency	Mechanism	Navajo Agencies have created location-specific logs, databases and other mechanisms for	Local Policy	Region- and Agency-specific computer systems decrease the effort required	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Shiprock Agency Western Navajo Agency Eastern Navajo Agency Chinle Agency Fort Defiance Agency		prioritizing and monitoring A&D activities, conveyances, ROWs and mortgages.		to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.		
Navajo Nation	Event	Grantor returns affidavit of sale is not applicable.	Local Policy	Minimal	Low	Minor
Navajo Nation	Input	Tribe-specific mortgage forms are used for Restricted and unrestricted homesite leases.	Procedural	The use of Region-, Agency- or Tribe-specific forms increases the effort and time required to complete Trust transactions and also increases the complexity and investment in information support.	Low	Medium
Navajo Nation Navajo Region	Role	No Agency/Field Office Line Officials within Navajo Region. These positions were abolished during the 1996 budget cuts.	Regional Policy	Without Line Officials in the field, there is no one local individual responsible for all programs within the field. There is also no local mechanism for resolving local issues.	High	Medium
Navajo Region	Output	The Navajo Region discourages the assignment of Trust income as collateral for mortgages. As a	Regional Policy	Minimal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		result, Kennerly notifications are not prepared, changes in Direct Payment status are avoided and the Department is not required to divert Trust income to lend.				
Navajo Nation	Obligation	Navajo-Hopi Relocation Act - Federal Statute	Statutory	Where Navajo Tribal members apply for an allotment under the Navajo-Hopi Relocation Act, the Navajo-Hopi Relocation Commission provides funds for acquiring those lands.	High	Major
Navajo Nation	Obligation	Mescal Litigation	Statutory	Authorizes the issuance of Trust patents for mineral rights associated with allotted lands.	High	Major
Navajo Nation	Obligation	Land Consolidation Plan of 1988	Statutory	Represents consolidation of Eastern Navajo Agency allotted lands (but not limited to Eastern).	Medium	Major
Navajo Region	Obligation	Zuni Heaven Act	Statutory	Statutory authority providing the Zuni Tribe to acquire lands in Arizona for consolidation purposes.	Medium	Major
Navajo Region	Output	Letter to Navajo Nation - Notifies Tribe that the beneficiary is in	Tribal Policy	This notice provides the Tribe with an opportunity	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		default, requests Tribal intent relative to assumption.		to address defaults before the lending institution forecloses on lien collateral.		
Navajo Nation Navajo Region	Obligation	Legislation 164 - Navajo Tribal Code, Title 2 Amendments - Tribal government codes for Trust – Trust conveyances.	Tribal Statute	Identifies roles and responsibilities for Navajo Nation Tribal Government relative to transactions involving Trust lands.	High	Major
Navajo Nation	Obligation	Navajo Public Land Order 2198,	Tribal Statute	Reserved public lands for Navajo Nation use.	Medium	Major
Navajo Nation	Obligation	Title 2 - Tribal Authorization Authorities	Tribal Statute	Minimal	Low	Major
Navajo Nation	Obligation	Title 16 - Specific to Lands	Tribal Statute	Minimal	Low	Major
Navajo Nation	Obligation	Title 19 - Cultural Resources Protection Act	Tribal Statute	Minimal	Low	Major

Table 4.3.2- 10 Southwest Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Obligation	Mescal Litigation As a result of this case, the BIA was ordered to issue Trust patents	Court Order	The court order resulted in a significant number of Trust acquisitions associated with subsurface	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		for mineral rights associated with allotted lands.		interests.		
Southwest Region	Obligation	1918 Statute	Federal Statute	Without congressional approval, the reservation cannot be increased.	Low	Major
Southwest Region	Obligation	The Kennerly Process is not followed in the Southwest Region.	Procedural	Regional lending activities associated with defaults and foreclosures are inconsistent with Departmental Policy and may jeopardize beneficiaries' rights to due process.	High	Minor
Southern Ute Agency	Role Input	A Land Committee screens proposed conveyances and makes its recommendation to the Tribal leadership and to the BIA Line Official.	Procedural	A combined review reduces the time required to complete Trust transactions.	Medium	Medium
Laguna Agency	Control	Laguna Agency maintains a listing of allotments affected by ROWs. These lists enable Realty staff to ensure that communications are maintained with all interest holders.	Procedural	Allotment lists reduce the effort associated with identifying interest holders and ensuring that consent forms are received from a majority of those parties.	Medium	Minor
Albuquerque LTRO/TSO	Mechanism	No Land Index is maintained in the Albuquerque LTRO/TSO.	Procedural	Minimal, Owner ID cards are maintained rather than	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				the Land Index.		
Southwest Region	Event	Receipt of Monthly Death Report - BIAINV produced automatically when death report received.	Procedural	Minimal	Low	Minor
Southwest Region	Role	Southwest does not have a sufficient pool of environmental scientists. As a result, Realty Specialists in this region are delegated to NEPA.	Staffing	The lack of specialized skills may prevent Realty Specialists from identifying the full impact of a transaction on the environment.	High	Medium
Southwest Region	Mechanism	IRMS is not used in the Southwest Region. Agency-specific, paper-based logs and card files are used to monitor the status of Trust transactions and beneficiary interests in Trust lands.	System Constraint	The use of agency-specific, paper-based mechanisms increases the effort and time required to complete Trust transactions. It also increases the complexity of, and investment in, information support with no additional utility.	Medium	Medium
Southern Ute Tribe Laguna Agency	Input Output Obligation	NEPA Assessments are not performed if only Tribal monies are used to fund Tribal projects.	Tribal Sovereignty	The Department may not be aware of encumbrances that affect subsequent land use.	Medium	Major
Southern Ute Agency	Obligation	Tribal Resolution - Provides first right of refusal on Trust – Trust	Tribal Sovereignty	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		transactions.				
Jicarilla Agency	Obligation	Tribal Ordinances relative to Environmental, Archeological, Surface, etc.	Tribal Statute	Multiple sets of Tribal ordinances increase the complexity associated with complying with Tribal and Federal obligations.	Medium	Major
Pueblo of Acoma Pueblo of Cochiti Pueblo of Isleta Pueblo of Jemez Pueblo of Sandia Pueblo of San Felipe Pueblo of Santa Ana Pueblo of Santo Domingo Pueblo of Zia Ysleta Del Sur Pueblo	Organization Obligation	Mayordomos –Villages can approve agreements within their jurisdiction without obtaining the consent of assignment holders.	Tribal Statute	Minimal	Low	Major
Southern Ute Agency	Obligation	Tribal Land Code	Tribal Statute	Minimal	Low	Major
Southwest Region	Organization Office	Tribe - Where leasehold is on Tribal land, the Tribe signs off on the encumbrance.	Tribal Statute	Minimal	Low	Major



Table 4.3.2- 11 Western Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region	Input	The TRO created a substantial backlog of TSR requests, forcing Agencies to use local records until the backlog can be eliminated. As a result, Certified TSRs are not used to identify ownership and encumbrances. Agency records are used instead.	Court Order	The inability to obtain a certified record of title decreases the reliability of the records (identifying owner interests and encumbrances) upon which beneficiary and Departmental decisions are based.	Medium	Medium
Colorado River Agency Pima Agency Salt River Tribe	Mechanism	Excel and Access Databases - Log of Trust to Trust transactions and their status and maintain heirship information and ownership data.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. These systems also, however, increase the complexity of, and investment in, information support as compared to common mechanisms.	Medium	Medium
Western Region	Mechanism	Region has an MOU with State of Nevada under which the State has established a clearinghouse for addressing non-Gaming-related Trust acquisitions.	Procedural	The MOU significantly reduces the time and effort required to contact state agencies regarding proposed Trust acquisitions.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region	Role Input Obligation	Environmental Science Specialists and Archeologists are not involved in this process. Environmental and archeological clearances are deferred until the beneficiary declares a proposed change in land use.	Procedural	Deferring these clearances reduces the time required to complete a transaction. It also, however, presents the possibility that the environmental or archeological considerations may prevent the grantee from using the land as intended.	Medium	Minor
Colorado River Agency	Control	Leasehold Mortgage Checklist Mortgage Checklist - N/A	Procedural	Minimal	Low	Minor
Pima Agency	Control	Peer Review - Documents reviewed within Realty prior to forwarding to Realty Officer.	Procedural	The peer review increases the accuracy of documents forwarded to Realty Officers and Line Officials.	Low	Minor
Western Nevada Agency	Output	The Realty Officer produces a Certified Schedule of Damages upon completion of the Compliance Assessment in order to establish an initial bargaining position with the Grantee.	Procedural	This schedule establishes the basis of the claims for damages associated with non-compliant actions.	Low	Minor
Western Region	Input Output Obligation	Environmental and archeological assessments are not performed for Trust disposals.	Procedural	The impacts of intended changes in land use may not be identified while the Department has control	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				over the lands.		
Western Region	Output	Probate and ROW originals are retained in the servicing LTRO/TSO. All other originals are returned to the originating office.	Procedural	Minimal	Low	Minor
Western Region	Output Inter-process Relationship	Certified TSR - Issued to the grantee (for a sale) identifying the change in title. Issued to the grantor and grantee for a partition to ensure they have an accurate record of Trust interests.	Procedural	Minimal	Low	Minor
Western Region	Input Inter-process Relationship	The local BIA organizations do not have the staff or the funds to perform surveys. Surveys, therefore, are provided by beneficiary in this region.	Staffing Funds	The lack of staffing and funding increases the cost of Trust conveyances to the beneficiaries.	Low	Medium
Western Region	Mechanism	IRMS not applicable in this Region. A&E cards and Agency records are used instead.	System Constraint	Where no automated support is available, the effort and time required to complete Trust transactions increases.	Medium	Medium
Hopi Tribe	Obligation	NEPA Assessments are not performed where no government funds are used on a project.	Tribal Sovereignty	The Department may not be aware of encumbrances that affect subsequent land use.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Uintah and Ouray Agency	Role Input	Uintah and Ouray Agency has environmental coordinator and the Environmental Analysis is performed here.	Work Volume	U&O typically performs full Environmental Analysis rather than the abbreviated Environmental Assessment. This increases the cost of Fee-Trust activities but provides greater assurance that all environmental and archeological issues are identified.	Medium	Medium

Table 4.3.2- 12 Pacific Region Title Services, Acquisition & Disposal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Pacific Region	Mechanism	Region-specific mechanisms are used to prioritize and monitor A&D activities, conveyances, ROWs and mortgages.	Local Policy	Region- and Agency-specific computer systems decrease the effort required to complete local Trust activities. Where these systems provide support that is not available from common systems, the DOI should assess the extent to which those systems could	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				be more broadly leveraged.		
Pacific Region	Office Beneficiary Involvement	All Requests for TSR's must go through the Agency - The LTRO/TSO is backlogged with TSR requests and required maintenance.	Policy	This policy has been implemented to ensure all requests are well-founded before committing the resources required to produce a certified TSR	Medium	Medium
Pacific Region	Output	The Initial Certificate of Inspection & Possession is not applicable in these regions.	Procedural	Without initial Certificate of Inspection & Possession, identification of potential possession claims may not be discovered in a timely fashion and prohibit the acquisition process.	High	Minor
Pacific Region	Successor	T.4 - Maintain Title - For an installment sale, the conveyance document is signed and approved at the time the installment sale is conducted, but held until the final installment received.	Procedural	By not recording the encumbrance and lien to the title at the time of approval, ownership and encumbrances are not properly reflected on the title.	High	Minor
Pacific Region Southern California Agency	Control	Consortium and Southern California Agency - Fee to Trust Checklist	Procedural	Agencies are creating their own checklists, which increase the potential for inconsistent processes.	Medium	Minor
Pacific Region	Control	Other than the Northern	Procedural	Grant Screening (aka	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northern California Agency		California, the Pacific Region has no formal means of reviewing proposed disposals. Northern California reviews proposals in committee.		Branch Screening) provides an opportunity for each branch to review the request for disposal, and to identify any issues (liens, etc.), which may impact the transaction.		
Pacific Region	Obligation	California Omnibus Act	Statutory	Restoration of certain California Tribes and specific lands.	Medium	Major
Pacific Region	Obligation	Hoopa/Yurok Settlement Act	Statutory	Funding set aside for Yurok land acquisitions.	Medium	Major
Pacific Region Northern California Agency	Mechanism	Aside from the Northern California Agency, IRMS not used within the Pacific Region. Probate number cards, IRMS log sheets and other manual records are used instead.	System Availability	IRMS only used in Northern California Agency. Manual records being used, which increases the effort and the likelihood of errors.	Medium	Medium
Southern California Agency	Mechanism	Probate Number Cards	System Availability	The use of agency-specific paper based mechanisms increases the effort and time required to complete Trust transactions and also increases the complexity and investment in information support.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern California Agency	Mechanism	IRMS Log Sheets - Contain the information that would have been entered into IRMS.	System Availability	Maintaining manual records during the system wide shut down has enabled the agency to keep a record of the maintenance required to bring operational title records when IRMS is once again available.	Medium	Medium



4.3.3 Beneficiary Services (B)

4.3.3.1 Beneficiary Services Summary Process Description

The overall process starts with: Request information, technical assistance or services.

It ends with: Issue response.

Beneficiary Services was established as one of the eight core Trust business processes to emphasize its importance in the delivery of Trust services to beneficiaries. Therefore, the As-Is Trust business model for the Beneficiary Services process documents how and where beneficiaries are currently being communicated with and responded to when there is direct contact between the beneficiary and a servicing office or an indirect contact via 3rd party requests. The term beneficiary refers to an individual Indian, Alaskan Native or a Tribe.

Beneficiary Services is defined as communicating and interacting with Indian beneficiaries and other requestors while ensuring that accurate information; assistance and services are provided in a timely manner. Receiving a request, formulating a response and issuing the response is imbedded in each of the other seven core Trust business processes at a variety of locations (touch points) as illustrated by the diagram in Section 4.3.3.1.2. Regardless of where in the overall Indian Trust process there is beneficiary contact, any beneficiary contact is considered a part of Beneficiary Services. Therefore, Beneficiary Services is not considered a stand-alone process, but rather, it is an integral part of the other seven Trust business processes.

A beneficiary or requestor usually makes direct contact with a servicing office to make a request for information, technical assistance or services. The vast majority of the time, the servicing office is the BIA, OST/OTFM, MMS, OHA or a Tribe. Occasionally, direct beneficiary contact may be initiated by the beneficiary providing information to the servicing office. In these cases the beneficiary is updating their account information. In addition to receiving requests from beneficiaries, servicing offices may also receive requests for information from 3rd party requestors, attorneys, contractors, leasing agents, non-Indian interests in Trust lands, or government entities at the local, county, state and federal levels.

A beneficiary or requestor makes direct contact with a servicing office through a telephone call, facsimile, letter, email or a personal visit. Although beneficiary requests may span a wide variety of subjects, most requests or inquiries are related to land management transactions or accounting transactions.

After the request is received by the servicing office, the nature and subject matter of the request is then assessed. During the initial assessment of the request the servicing office makes a determination to either decline the request, act upon the request or forward the request to another, more appropriate organization for action. Often, the servicing office will obtain a response for the beneficiary or requestor even though the request is external to the Trust and related activities. A request is only declined if the party making the request cannot verify or validate their identity or authorization to receive Trust information.



The servicing office acts upon a request by performing a technical evaluation of the request, gathering any information required for servicing the request and formulating a response. Fulfilling a request may be as straightforward and immediate as looking up account information in one of the Trust systems or it may be a query that triggers many subsequent operations to produce a report. When a serving office assumes total responsibility for providing a response to a request, the servicing office may need to obtain information or the requested product from one of the other seven business processes.

After technical evaluation and some information gathering, a request may have to be completely forwarded to another servicing office or process for action. In these cases, the servicing office that originally received the request sometimes follows up on or tracks the request to be sure a response was issued to the beneficiary or requestor. Tracking of requests is mostly dependent upon the type and nature of the request. Tracking is usually performed for the more complex request, whereas requests answered over the telephone may not be tracked.

Either the servicing office that received the request, or the servicing office that the request was forwarded to, will issue a response to the beneficiary or the requestor. The issued response may be a simple yes or no answer, an account balance or a detailed Trust information product such as a report, map, survey or financial statement. Before delivering confidential information to a 3rd party requestor, verification is made that the requestor is authorized to receive the information.

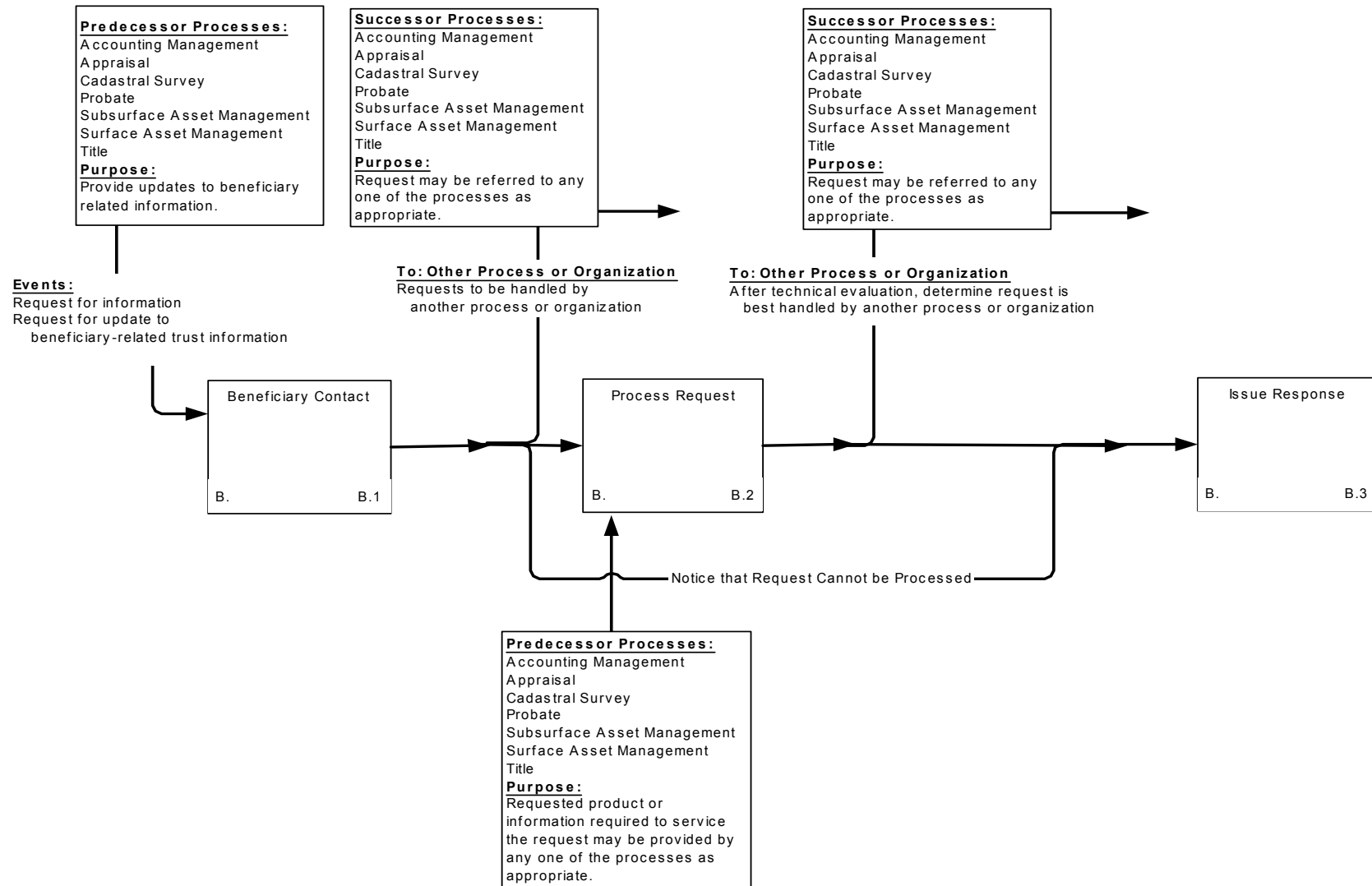


Figure 4.3.3- 1 Beneficiary Services High Level Diagram



Beneficiary Services Objectives

The overall vision for a beneficiary-centric focus on the delivery of Trust services will help achieve the Trust's fiduciary responsibilities, Executive Orders, Secretarial Orders, Secretary's Trust Principles and other legal requirements. In addition, the mission statements followed by the Department, and Tribes are more likely to be achieved by this focus.

The resulting objective is to achieve beneficiary satisfaction and to build beneficiary confidence that the Department has their best interest at heart when executing Trust-related activities. To fulfill this objective, beneficiary services will be guided by the department's strategic business goals and objectives, which set the direction for the formal implementation of Beneficiary Services.

The following table provides the strategic goals and objectives that are related directly to Beneficiary Services. These goals and objectives are taken from the *Comprehensive Trust Management Plan* as presented in Chapter 1.

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

Objective 1.1 Beneficiary Statements

Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.

Objective 1.2 Beneficiary Services

Provide beneficiaries with easy access to Trust account services and information.

Objective 1.3 Beneficiary Communications

Develop and maintain effective communications with beneficiaries to facilitate beneficiary involvement in improving Trust management, acquisition / disposal, and conveyances of Trust assets, consistent with DOI's fiduciary duties.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.3 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.

c) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI Trust management responsibilities.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.



Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.3.2 Beneficiary Contact (B.1)

Starts with: Receive a verbal or written request.

Ends with: Document request, note that request cannot be serviced or refer request to another process or organization.

A beneficiary, 3rd party requestor or a DOI/BIA internal organization may initiate a beneficiary-related request. Requests are made to different servicing offices, including Tribes. Usually requests are made to those servicing offices the requestor has access to, regardless of location or function; or to a servicing office, with which he/she has had previous contact.

The beneficiary may make contact with the servicing office via telephone call, office visit, email, letter or FAX. When office visits are made, the beneficiary may travel in groups and each individual may bring with them a variety of requests or issues. In addition, direct beneficiary contact takes place through those servicing offices that have formal outreach programs that include scheduled meetings and providing information at public events, such as Pow-Wows. During these face-to-face meetings, servicing offices staff provide information and answers to questions.

The request may be for specific information, an update to beneficiary-related Trust information, technical assistance, a service or decision. After the request is received, the receiving office makes a determination on whether or not to document the request. Documentation in any manual or automated tracking system depends upon the nature of the request. Not all requests that are processed are tracked until a response is issued.

Upon receipt of a request, the servicing office performs an assessment of the nature and conditions of the request. An understanding of the request allows the staff person to make a decision as to how the request can be accommodated in a timely manner, as well as who is most appropriate to provide the service.

The assessment also includes identifying whether or not the request is for confidential information, which may require proof of the requestor's identity and confirmation of the requestor's entitlement to the information. A release of information signature is obtained, as necessary, to release information to a 3rd party. The request is declined if the proof of identity cannot be obtained or if release of information is prohibited.

Note: The Indian Land Consolidation Act (ILCA) Amendments will allow the release of some Trust data/records to 3rd parties, which was previously protected by the Privacy Act. For example, names and addresses may be provided to potential lessees.

After the request is assessed, and any required proof of identity is obtained, it is either acted upon or forwarded to another process or organization for action.

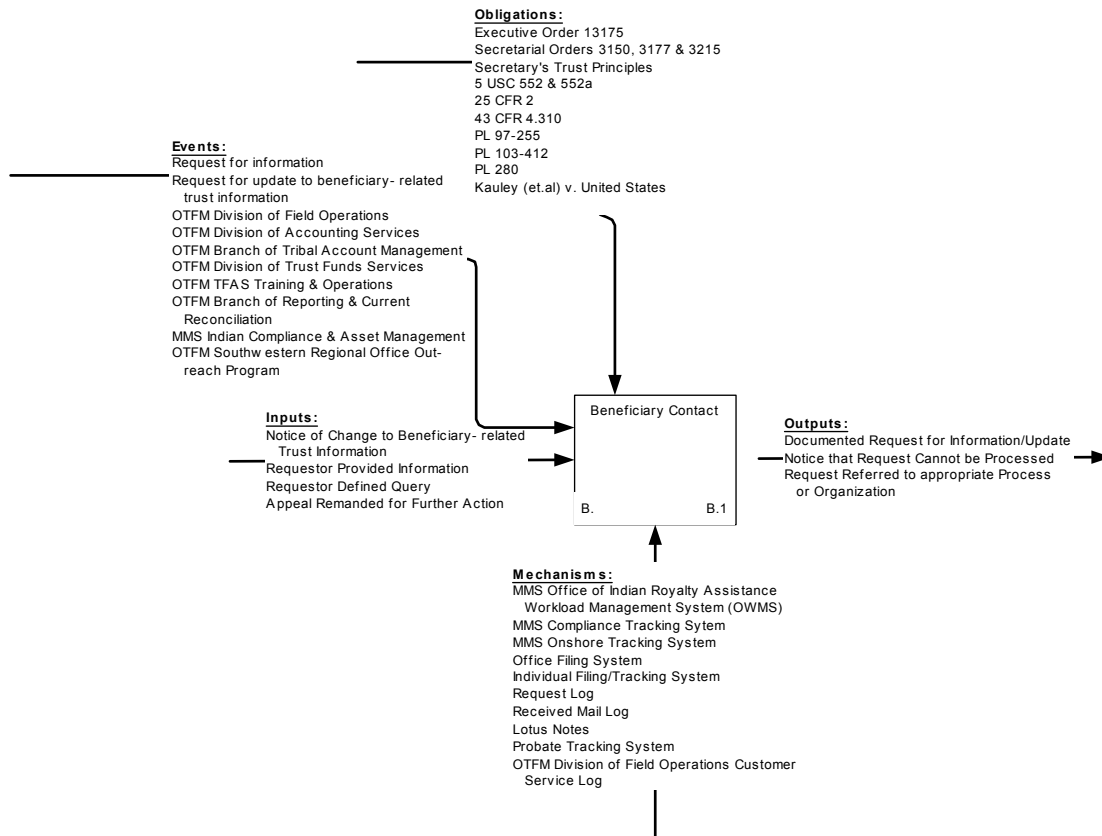


Figure 4.3.3- 2 Beneficiary Contact IDEF (0)



Beneficiary Involvement for Beneficiary Contact

Beneficiaries generally initiate this process. Beneficiaries usually call a servicing office that they have a telephone number for, even if it is not the appropriate office. Beneficiaries prefer face-to-face contact and immediate answers. When beneficiaries do travel to a servicing office they often bring in several issues in one visit.

Beneficiaries also have the opportunity to initiate direct, face-to-face, contact when servicing office staff attends meetings with Tribal Councils, Land Boards, Farm Boards, Grazing Committees, Land Associations, Tribal Districts, Tribal Chairman's Associations and Soil and Water Conservation Districts. In addition, servicing offices with outreach programs make direct beneficiary contact at Tribal investment meetings, mandated meetings with Indian mineral owners, scheduled outreach meetings, per-capita payouts, Pow-Wows and other public events.

Servicing offices, including Tribes, use local radio stations and Tribal Newspapers to provide Trust-related notices and information to beneficiaries. The media is also used to publicize upcoming outreach events in the hopes of encouraging Indian attendance. Often, the OST/OTFM Central, Regional, Agency and Division Field Services Offices publishes notices in the Tribal newspapers concerning events, deadlines and whereabouts unknown.

When beneficiaries do contact a servicing office, for confidential or account related information, they should be able to validate their identity by providing required identity information.

Beneficiary Contact Significant Notes

- a) Inquiries are received from non-beneficiaries. For example, Congressional inquiries may be received if one of their constituents (beneficiary or non-beneficiary) contacts them about being dissatisfied with services provided by DOI.
- b) Several of the regions have constraints, which creates a challenge for direct beneficiary contact. For example:
 - 1. Many of the Navajo beneficiaries live in rural areas without access to telephone and electrical accommodations. Due to the size of the Navajo Reservation and the location of servicing offices, these Navajo beneficiaries must travel long distances to obtain answers to questions and receive services from DOI offices i.e., BIA Offices, OST/OTFM and FIMO. The distance is sometimes a hardship for the beneficiary and delays the provision of services particularly when beneficiary follow-up is required. In addition, the distances between DOI offices can delay the provision of services when documents have to be forwarded for approval by the delegated authority in another distant location.
 - 2. Due to the size of the geographic area being served by a BIA Agency in California, a beneficiary may be required to travel up to 1½ days to reach the agency. For example, the Central California Agency serves an area of 1200 square miles in size. Beneficiaries arrive at the agencies in groups and each individual usually has several issues or program related questions.



3. In Alaska, beneficiary contact is limited by seasonal conditions and conflicts with subsistence activities. For example, surveys need to be performed during the summer months, which is the same time that subsistence activities are conducted.
- c) Midwest beneficiaries prefer telephone contact due to the long travel distances and seasonal inclement weather within the region.



4.3.3.3 Process Request (B.2)

Starts with: Document request or informal request.

Ends with: Formulate response, updated beneficiary Trust-related information or request referred to another process or organization.

Sometimes the servicing office staff can respond to an inquiry immediately. For example, if the inquiry is from a beneficiary requesting the date of an upcoming IIM distribution and the servicing office staff knows the distribution date; then the inquiry can be answered immediately. However, most requests and inquiries are more complex. In these cases, the appropriate staff in the receiving office performs a technical evaluation of the request, conducts research, gathers the information required to fulfill the request and formulates a response.

During the technical evaluation, the servicing office may not have the expertise or necessary information to completely service the request. In some cases, the request may be referred to another process or organization and in other cases; the servicing office may request the required information or product from another process.

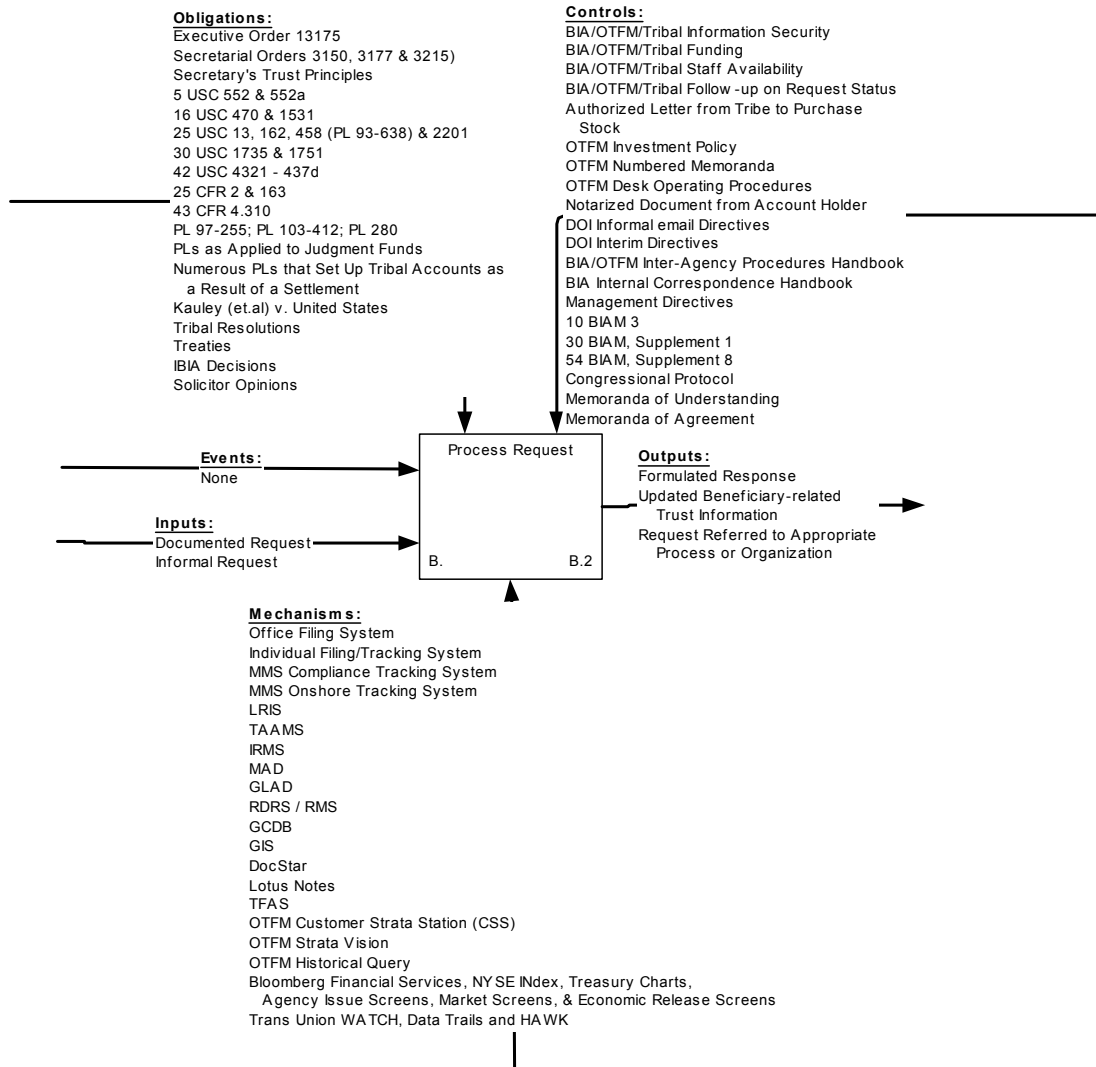


Figure 4.3.3- 3 Process Request IDEF (0)



Beneficiary Involvement for Process Request

For walk-in and telephone requests that can be responded to immediately, the beneficiaries are involved in the entire process.

For all other requests, the servicing office may be in frequent contact with the beneficiaries to follow up, obtain additional information and signatures. Beneficiaries often receive an update on requests that are not immediately resolved.

In addition to formally responding to beneficiary requests, servicing offices staff have an informal opportunity to address beneficiary inquiries during various meetings with Tribal Councils, Land Boards, Farm Boards, Grazing Committees, Land Associations, Tribal Districts, Tribal Chairman's Associations and Soil and Water Conservation Districts.

Servicing offices with outreach programs make direct beneficiary contact at Tribal investment meetings, mandated meetings with Indian mineral owners, scheduled outreach meetings, per-capita payouts, Pow-Wows and other public events. The outreach activities allow servicing office staff the opportunity to update Trust-related information and respond immediately to beneficiary requests.

Process Request Significant Notes

- a) Background checks for access to the computer systems are taking too long and prohibiting staff from using the systems to deliver services to the beneficiaries.
- b) DOI personnel must be culturally conscious in conducting business with all beneficiaries.
- c) When the request is handed-off to an organization outside BIA or OST/OTFM for response, BIA or OST/OTFM staff have little control over when or if a response is issued.
- d) Beneficiaries do not always realize that BIA and OST/OTFM are different entities.
- e) Making updates/revisions to operational manuals and procedures is backlogged. Therefore, staff personnel are working with outdated and/or incomplete manuals and procedures.



4.3.3.4 Issue Response (B.3)

Starts with: Formulate response or note that request cannot be processed.

Ends with: Issue response, provide advice, explain why request was disapproved or explain why request was referred to another process or organization.

The servicing office that receives the request will deliver the formulated response to the beneficiary/requestor. A response may be providing a simple “yes” or “no” or it may be presenting a detailed explanation of the requested information. A response may be the provision of technical assistance or a service. Responses may also include providing Trust-related documentation (such as maps, surveys, financial statements, fee-to-Trust, etc), or advice.

Before delivering confidential information to a 3rd party, verification is made that a release of information signature from the appropriate person is on file.

The process used by OST/OTFM to verify caller identity includes checking the caller’s social security number, date of birth, full name and account number. In cases where a “power of attorney” is used, OST/OTFM requires the original document or a certified copy of the original. A change of address requires that the document be properly notarized or witnessed by a DOI employee.

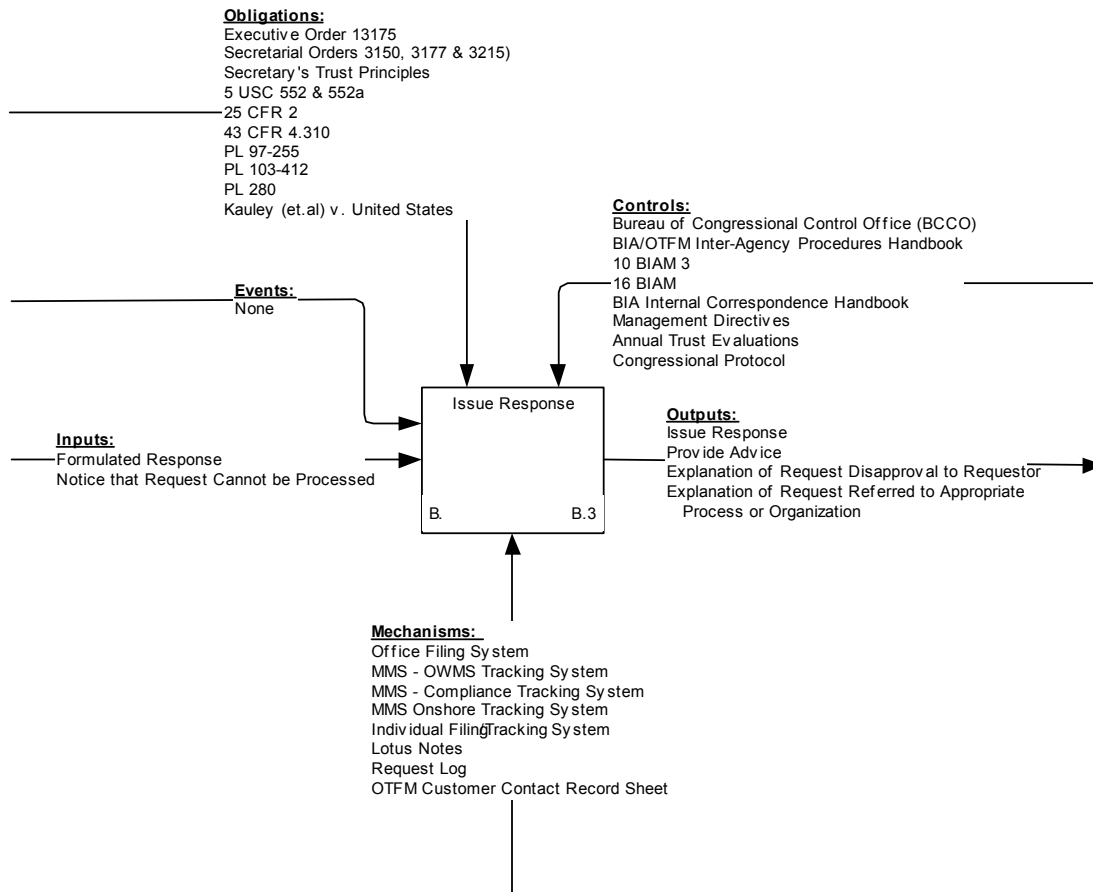


Figure 4.3.3- 4 Issue Response IDEF (0)



Beneficiary Involvement for Issue Response

Beneficiaries receive the response to their request and have the opportunity to provide feedback to the servicing office. In addition, the beneficiaries can appeal decisions of DOI Line Officials.

Issue Response Significant Notes

- a) Delegation of authority is inconsistent across the regions. Many workshop participants expressed that authority delegation should be to the lowest field level within the BIA.
- b) Most participants agreed that it would be good to survey beneficiary satisfaction after completing request, but there is a concern as to how this could be accomplished with already limited resources.



4.3.3.5 Beneficiary Services Variances By Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.3- 1 Great Plains Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains Region	Mechanism	Internal database is used to track ongoing requests. Used by one branch of the Regional Office.	Procedural	Minimal	Low	Minor
Turtle Mountain Agency Fort Totten Agency	Output	Logs for walk-in or telephone calls are not maintained. In addition, there are not any sign-in logs or chronological files.	Procedural	Lack of recording and tracking logs prohibits follow up and assurance that a response was delivered.	High	Minor
Turtle Mountain Agency Fort Totten Agency	Control	Some requests, such as leasing require the requestor's signature.	Procedural	The requirement to obtain the requestor's signature may delay processing the response or service.	High	Medium

Table 4.3.3- 2 Midwest Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Role	BIA Regional Office provides services directly to those Tribes that are not serviced by an Agency.	Organization	Increases Regional Office workload.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Role	The regional and agency staff perceives themselves as public service providers, since they address other than Trust requests.	Procedural	Providing responses to non-Trust-related requests detracts from providing Trust-related services.	High	Minor
Midwest Region	Role	The Inter-Agency Team operates under a Memorandum of Understanding and coordinates the responses to Tribal requests.	Procedural	The Memorandum of Understanding sets direction for the delivery of Trust services and therefore, enhances the provision of services.	High	Major
Midwest Region	Mechanism	Word Perfect and Quattro are used for information gathering.	Procedural	Multiple applications add to the complexity of the computing environment.	Medium	Minor
Minnesota Agency	Mechanism	Timber Sales Accounting/Operations Inventory (TSA/OPIN)	Procedural	Used to support forestry projects.	Medium	Medium

Table 4.3.3- 3 Eastern Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						



Table 4.3.3- 4 Alaska Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Central Council Tlingit & Haida Indian Tribes of Alaska	Role	Service provider is a one person office serving 11 communities. A 1-800 telephone number allows beneficiaries to call in requests and inquiries.	Procedural	Improves beneficiary satisfaction	High	Major
Central Council Tlingit & Haida Indian Tribes of Alaska	Input	The lack of personnel and funding, limits the services and assistance that can be provided.	Compact Funding	The service provider can only assist Natives from the Compacting communities they serve.	High	Major
Central Council Tlingit & Haida Indian Tribes of Alaska	Input	Outreach is conducted through public meetings.	Procedural	Improves beneficiary satisfaction	High	Major
Central Council Tlingit & Haida Indian Tribes of Alaska	Role	Checklists are used to identify items or issues which can be resolved during walk-in visits.	Procedural	Improves beneficiary satisfaction by saving them a future visit.	High	Major
Alaska Region	Roles Location Inputs	The Alaska Region uses a service provider, rather than BIA Agency or Field Office staff, when Bureau Programs are compacted or contracted. Service providers include Compacted or Contracted Tribal Offices or Tribal consortiums. The service provider services allottee and Tribal requests, as well as provides outreach activities during native village meetings. BIA	Compacting and contracting of Trust programs	Ensures that the Trust services are provided to allottees and Tribes. BIA Field Offices and the Alaska Regional Office are the backup service providers.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Agency/Field Office or the Alaska Regional Office previously performed these services. Service providers maintain records for Trust asset transactions related to allotments, gift deeds, probates, sales, leases, permits, wills, rights-of-ways, IIM accounts, town sites and subdivisions.				
Alaska Region	Role	The Compact Coordinator coordinates with the Field Representative and Compacted Tribes on compact matters and assists the Office of Self-Governance with negotiations.	Compacting of Trust programs.	Fulfills DOI's self-governance objective.	High	Minor
Alaska Region	Role	The Tribal Operations Officer is located in the Alaska Regional Office and coordinates with the Field Representative and 638 Contracted Tribes on Tribal operations matters.	Contracting of Trust programs	Fulfills DOI's self-determination objective.	High	Minor
Alaska Region Fairbanks Field Office	Control	Environmental conditions, such as extreme high tides, affect outreach programs for the personal delivery of beneficiary services. In addition, beneficiary contact is limited by seasonal conditions and conflicts with subsistence activities. For	Environmental conditions	Negative affect on the ability to make contact with beneficiaries and deliver services.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		example, surveys need to be performed during the summer months, which is the same time that subsistence activities are conducted.				
Alaska Region	Obligation	Alaska National Interest Lands and Conservation Act (ANILCA) of 1981, Section 907. Recognizes subsistence rights of Alaska Natives.	Federal Law	Affects conveyance of land from BLM to allottee. After conveyance, the BIA assumes Trust responsibility.	High	Major
Alaska Region	Obligation	General Allotment Act of 1906. Allows for the granting of parcels of reservation land to individual Indians.	Federal Law	Affects conveyance of land from BLM to allottee. After conveyance, the BIA assumes Trust responsibility.	High	Major
Alaska Region	Obligation	Alaska Native Claims Settlement Act (ANCSA) Allows Alaska Natives to file claims for subsistence lands.	Federal Law	Affects conveyance of land from BLM to allottee. After conveyance, the BIA assumes Trust responsibility.	High	Major
Alaska Region	Obligation	Town Site Act	Federal Law	Affects conveyance of land from BLM to allottee. After conveyance, the BIA assumes Trust responsibility.	High	Major
Alaska Region	Obligation	Vietnam Veterans Allotment	Federal Law	Affects conveyance of land from BLM to allottee. After	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				conveyance, the BIA assumes Trust responsibility.		
Alaska Region	Organization	Alaska Legal Services Corporation is non-profit and is contracted by BIA to handle appeals and administrative hearings concerning allotments.	Need for Alaska Natives to pursue litigation and assert rights	Ensures that the Trust services are provided to the allottees.	High	Minor
Alaska Region	Obligation	ILCA is not applicable to the Alaska Region.	Not applicable to Alaska Region	Minimal	Low	Minor
Alaska Region	Location	Alaska Probate Title Services Center (APTSC) replaces the LTRO/TSO and performs the services that were previously performed by the LTRO/TSO.	Organization	Minimal	Low	Minor
Alaska Region	Organization Location	The Office of Self-Governance (OSG) accommodates beneficiary requests from compacted Tribes or Tribes pursuing compacted status and serves as the primary negotiator when Tribes compact programs.	OSG is not in all BIA regions	Serves as point of contact for Tribes compacting programs and fulfils DOI's self-governance objectives.	High	Minor
Alaska Region	Role	The Regional Solicitor, rather than the Field Solicitor, represents BIA in appeals and other federal action. He/she renders opinions by interpreting	Procedural	Minimal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		law on specific issues, concurs with decision to deny access to records and reviews schedule of changes incurred by FOIA.				
Alaska Region	Input	In Alaska, the beneficiary/requestor includes: individual Indians awaiting allottee status, allottees, Tribes, Native Corporations, general public and trespassers on allotted lands.	Procedural	The variety of requestors increases the workloads for realty, probate, title, enrollment, cultural resources management and rights protection.	High	Major
Alaska Region	Organization	There are no agencies and only one branch chief (Fairbanks) in the Alaska Field Offices due to their small size.	Procedural	Increases beneficiary reliance on service providers.	High	Major
Alaska Region	Mechanism	IBLA Records System is an internal mechanism used in the conduct of beneficiary services.	Procedural	Minimal	Low	Major
Alaska Region	Mechanism	The State of Alaska Vital Records System and the State of Alaska Recording System are external mechanisms used in the conduct of beneficiary services.	Procedural	Minimal	Low	Major
Alaska Region	Control	Annual Case Load Report from BIA Alaska Regional Realty Office provides status for activities, including backlogs.	Procedural	Provides annual snapshot of the realty workload and helps to ensure the timely delivery of services.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Mechanism	Alaska Department of Natural Resources land status database.	Procedural	Supports the correct conveyance of land.	High	Major
Alaska Region	Mechanism	Federal Financial System	Procedural	Contains information on non-Trust funding and budget reference.	Medium	Major

Table 4.3.3- 5 Northwest Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Confederated Salish and Kootenai Tribes	Input	Committee participation is a medium for outreach within and outside of the community.	Procedural	Participation on a committee is an opportunity for providing program information, identifying community needs and making decisions.	High	Major
Confederated Salish and Kootenai Tribes	Mechanism	Tribal Land Department publishes notices and important information in their newsletters and on the Tribal web-site.	Procedural	Improves beneficiary satisfaction	High	Minor
Confederated Salish and Kootenai Tribes	Role	Tribal Public Relation Officer reports Tribal and community events on Tribal web-site and on local radio stations.	Procedural	Effective in building the public image of the Tribe and providing information to the community.	High	Minor
Confederated Salish and	Mechanism	Questionnaires are used to obtain	Procedural	There is a 5% response rate.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Kootenai Tribes		community perspectives on Tribal plans etc.				
Confederated Salish and Kootenai Tribes	Control	Tribal Council passes a resolution to adopt OST/OTFM procedures	Compact procedure	Standardized procedures	High	Major
Confederated Salish and Kootenai Tribes	Role	IIM Accounting Office staff respond to all accountholder inquiries regardless of subject matter.	Procedural	Improves beneficiary satisfaction	High	Minor
Confederated Salish and Kootenai Tribes	Control	Even though the IIM Accounting Office has a formal identity verification procedure; if they know the beneficiary, verification will not be asked for.	Procedural	Minimal	Low	Minor
Confederated Salish and Kootenai Tribes	Control	If a beneficiary does not respond to a request for information after three inquiries, (letters), the IIM Accounting Office adds the beneficiary to the whereabouts-unknown list.	Procedural	Expands the whereabouts-unknown problem.	High	Minor
Confederated Salish and Kootenai Tribes	Input	The natural resource base and the number of people competing for the same resources, both on and off the reservation, affect the Compacted programs.	Procedural	Impacts resources and the delivery of services.	High	Major
Confederated Salish and Kootenai Tribes	Mechanism	TFAS access is restricted to the account of Tribal members only.	Procedural	Cannot provide services to accountholders from another Tribe.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Confederated Salish and Kootenai Tribes	Role	The lack of frontline staff disrupts the normal workload of specialists working in the Tribal Departments.	Procedural	The Tribal budgets for compacted programs do not cover the manpower required to respond to daily beneficiary requests.	High	Major
Suquamish Tribe	Role	The Suquamish Tribe Natural Resources Department has an open door policy for Tribal members.	Procedural	Improves beneficiary satisfaction.	High	Major
Suquamish Tribe	Role	Outreach is conducted by setting up booths at Tribal Council meetings and Tribal Fairs.	Procedural	Improves beneficiary satisfaction.	High	Minor
Suquamish Tribe	Mechanism	Postcards are mailed out to Tribal members announcing public meetings.	Procedural	Improves beneficiary communication.	High	Minor
Siletz Tribe	Mechanism	The three Tribal area offices and the Tribal Central Office, each provide a 1-800 telephone number for their beneficiaries to call for information and services.	Innovation	Enhances the delivery of beneficiary services.	High	Minor
Yakama Nation	Input	Walk-in beneficiaries to the Yakama Nation Realty Office can answer some of their own questions concerning allotments and issues related to allotments by using a Kiosk-based interactive system	Innovation	Provides beneficiaries immediate access to Trust-related information.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region	Control	Tribes within the Region supplement federal funding with Tribal funding to improve Trust services. Tribal funding sources include Tribal Trust income, gaming and other economic enterprises.	Lack of sufficient federal funding	Ensures that Trust services are delivered.	High	Minor
Makah Field Office	Role	Makah Field Office Trust Officer has same role as Field Representative	Procedural	Minimal	Low	Minor
Northwest Region	Control Obligation	Strategic Oversight and Accountability Reporting System (SOARS)	Procedural	Used only in the Northwest Region to track congressional requests.	Low	Minor
Northwest Region	Mechanism	Federal Finance System	Procedural	Contains information on non-Trust funding and budget reference.	Low	Major
Northwest Region	Mechanism	National Indian Irrigation Management System (NIIMS)	Procedural	Contains information on irrigation billing and collection and distribution for irrigation operations and maintenance.	High	Major
Siletz	Mechanism	Laserfische	Procedural	Stores Trust documents.	Medium	Minor
Taholah Field Office	Role	Taholah Field Office Self-Governance Specialist has same role as Field Representative.	Procedural	Minimal	Low	Minor
Northwest Region	Obligation	Tribal Inheritance Probate Codes	Tribal Code	Specifies codes that allow	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				Tribes to acquire land that would otherwise be inherited by a non-Indian and keep the land in the Trust.		
Northwest Region	Obligation	Tribal Land Use Ordinances	Tribal Ordinance	Authority of Tribes to manage agriculture, range, fishing, hunting and wildlife on the reservation.	High	Major

Table 4.3.3- 6 Eastern Oklahoma Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Role	BIA Regional, Agency and Field Station offices have Tribal Government Services Representatives.	Procedural	Serves as first point of contact for inquiries, which are not related to land, from individual Indians, Tribes, BIA and 3 rd party requestors.	Medium	Minor
Eastern Oklahoma Region	Role	BIA Agency Branch Chiefs provide information, assistance and services to requestors and Superintendents. In addition, they attend meetings with Tribal Councils, committees and work	Procedural	Serves as a point of contact for inquiries from individual Indians and Tribes.	High	major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		groups.				
Eastern Oklahoma Region	Mechanism	The following automated and paper based documents and logs are used by Tribal Government staff: <ul style="list-style-type: none">• Appeals Log• Attorney Contact Log• Tribal Directory• Tribal Census• Tribal per capita payment rolls• Tribal proof of death and Heirship	Procedural	Mechanisms help staff meet deadlines and maintain internal controls when there are limited FTE's.	High	Minor
Eastern Oklahoma Region	Role	The capacity to respond to requests depends on the size of Agency, number of allotted acres and non-land based processes.	Procedural	Affects the normal delivery of services.	Medium	Major
Five Civilized Tribes	Role	73 Act - Distribution of Judgment Funds	Obligation	Increases workload	High	Major
Eastern Oklahoma Region	Control	IAM – 101 – Procedures regarding supervised accounts.	Procedural	Minimal	Medium	Major
Five Civilized Tribes	Obligation	The following list of obligations applies. 25 CFR 115 – Trust Funds for Tribes and Individual Indians 25 CFR 116 – Creation of Trust	Federal Law	Establishes jurisdiction.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		for Restricted Program of Indians, Five Civilized Tribes Stigler Act of August 4, 1947 subjected all restricted lands of the Five Civilized Tribes to the Oil and Gas Conservation Laws of Oklahoma and allowed state district courts to approve leases.				
Osage Nation of Oklahoma	Output	The Osage Nation serves as the official record keeper for Osage allotment files, agriculture lease files, mineral lease files and family files. Osage Minerals Branch keeps a log on who is reviewing files.	Federal law	Demonstrates Tribal autonomy and establishes the ability to monitor confidential information. The Mineral Lease File keeps track of mineral lease files that have been checked out of the file room and when they are returned.	Medium	Medium
Osage Nation of Oklahoma	Obligation	The following list of obligations applies. 25 CFR 226 – Leasing of Osage Reservation Lands for Oil and Gas Mining 25 CFR 216 – Surface Exploration Mining and Reclamation of Lands 25 CFR 214 – Leasing of Osage Reservation Lands in Oklahoma	Federal Law	Establishes jurisdiction.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		for Mining Except Oil and Gas 25 CFR 154 – Osage Role Certificate of Competency 25 CFR 117 – Deposit of Individual Funds of Members of Osage without Certificate of Competency.				
Five Civilized Tribes	Organization Role Location	The Oklahoma State District Court, County Recorders Office and County Clerks Office accommodates beneficiary related questions concerning heirship (title and probate) and restricted lands, serves as the official source for checking the Trust status of restricted lands, approves oil and gas leasing and other conveyances on inherited allotments, exercises authority on all probate, guardianship and heirship matters, maintains title information and makes decisions on restricted lands and forwards probate decisions to the solicitor or heir.	Federal Law authorizing State jurisdiction	Service providers need to travel to different county court houses to perform system searches and review records.	High	Major
Osage Nation of Oklahoma	Organization Role Location	The Oklahoma State District Court accommodates beneficiary related requests concerning	Federal Law authorizing State	Service providers need to travel to different county court houses to review	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		heirship (probate), exercises jurisdiction over estates of members of the Osage Nation and forwards decisions to the solicitor or heir.	jurisdiction	records.		
Osage Nation of Oklahoma	Role	The Field Solicitor performs functions (guardianship) that were previously performed by Tribal courts, reviews decisions made by the Oklahoma State District Court, compiles recommendations and forwards them to the BIA Superintendent / Field Representative.	Procedural	Ensures compliance with federal and state laws.	High	Major
Osage Nation of Oklahoma	Mechanism	Annuity Program	Procedural	The Annuity Program is linked to TFAS.	High	Major
Osage Nation of Oklahoma	Mechanism	Mineral Records Database	Procedural	The Mineral Records Database records mineral lease ownership and interest purchase operations.	High	Medium
Osage Nation of Oklahoma	Mechanism	Lake Funds	Procedural	The Lake Funds contains 150 accounts and manages the money for the Lake Fund.	High	Medium



Table 4.3.3- 7 Southern Plains Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Concho Field Office	Organization Role	The Oklahoma State District Court serves as the official source for checking the Trust status of restricted lands (County Recorder's Office and Court Clerk's Office) and maintains title information for Trust-restricted lands.	Federal Law authorizing State jurisdiction	Service providers need to travel to different county court houses to review records.	High	Major
Southern Plains Region	Mechanism	Real Estate Service Module (REM) is used.	Procedural	The Real Estate Service Module maintains ownership records. This mechanism is being used as an interim while the Trust operational systems are down.	Medium	Minor

Table 4.3.3- 8 Rocky Mountain Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chippewa-Cree Tribe	Input	Role of compacted Tribe in receiving requests is similar to agency role. Requests are made to Tribal Natural Resource Officer. Tribal Council makes final	Compacted Tribe	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		decisions. Field Representative handles judgment settlement funds for Tribal members.				
Crow Agency	Mechanism	National Indian Irrigation Management System (NIIMS)	Procedural	Used for the billing and collecting of irrigation operation and maintenance fees.	High	Major

Table 4.3.3- 9 Navajo Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Organization Role Location Output	<p>Farmington Indian Minerals Office (FIMO) is a multi-bureau office, located in the Navajo Region, funded and staffed by BIA, BLM and MMS to serve Navajo and Indian mineral owners. FIMO provides leasing and lease administrative services, lease inspection and enforcement services, royalty compliance services and beneficiary outreach.</p> <p>FIMO receives Navajo mineral owner/allottee inquiries regarding their mineral interests, account balances, and a variety of other</p>	<p>1992 MOU to coordinate the activities of the BIA, BLM and MMS in the Navajo Region.</p> <p>Joint Motion of the Parties between the Shii Shi</p>	Serves as a “one-stop” service office for Navajo mineral owners.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		topics. The office also conducts court-mandated outreach to provide information to allottees, answer questions and discuss issues related to mineral leases, production and other topics.	Keych Allottee Association and the Department of the Interior (April 14, 1995)			
Navajo Region	Obligation	Mescal v. United States	Court Decision	Settlement for Navajo mineral rights.	High	Major
Navajo Region	Role	<p>Regional Director holds primary delegation of authority for the Region since there are no superintendent positions.</p> <p>Appeals only go to the Regional Director, as there aren't any Agency decisions.</p> <p>Limited delegation of authority is with Regional Branch Chiefs.</p> <p>Agency program managers make decisions regarding transactions that are sent to either the Branch Chief with approving authority or the Regional Director with approving authority.</p> <p>Agency program managers deliver written responses through</p>	Delegation of Authority	Service delivery is impeded by the additional time taken to coordinate and forward documents that require approval.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Regional Branch Chiefs to the Regional Director. Regional Branch Chiefs deliver written responses through Regional Director utilizing the surname process.				
Navajo Region	Obligation	Navajo Nation Leasing Act	Federal Law	Allows Navajo Nation to develop their own procedures for leasing.	High	Major
Navajo Region	Role	Office of Navajo Hopi Indian Relocation Commission (ONHIRC) assist with forced relocation of families to new lands and has authority to approve a home site on new lands. PL 93-531, Indian Family Relocation Act	Federal Law	Allows Indian beneficiaries the opportunity to gain assistance from either the Tribe or ONHIRC.	High	Major
Navajo Region	Organization	Pittsburgh Midway Coal Company issues grazing permits on reclaimed mine land.	Leasing	BIA is the intermediary between the beneficiary and the Coal Company.	Medium	Medium
Navajo Region	Role	The Eastern Navajo Allottee Association and the Shii Shi Keyah Allottee Association institute legal actions on behalf of the allottees.	Need for allottees to pursue litigation and assert rights.	Serves to protect the rights of allottees.	High	Major
Eastern Navajo Agency	Role	The Realty Clerk serves as the	Procedural	Serves as the front line	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		initial point of contact between beneficiaries and Branch of Realty staff. In addition to responding to requests, the clerk interviews and screens beneficiary requests and refers inquiry to appropriate staff.		interface with beneficiaries so the specialists are not interrupted.		
Fort Defiance Agency	Role	The Natural Resources Branch has a public contact person who serves as the initial point of contact between beneficiaries and branch staff.	Procedural	Serves as the front line interface with beneficiaries so the specialists are not interrupted.	High	Minor
Navajo Nation	Obligation	Tribal Resolutions	Procedural	Gives authority to the Navajo Nation Council to make grants.	High	Major
Navajo Region	Role	BIA Tribal Government Specialist and BIA Tribal Operations Specialist receives requests for information on Certificate of Indian Blood (CIB), housing and Navajo Nation. In addition to beneficiaries, inquiries come from Navajo Nation Speaker's Office, BIA Agencies and public.	Procedural	Minimal	Low	Medium
Navajo Region	Organization	Office of Surface Mining has delegated authority for the inspection of mines on Tribal and	Procedural	Minimal	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		allotted lands in New Mexico.				
Navajo Region	Organization	DOI staff contact state and county government offices to formulate a response for a beneficiary.	Procedural	State and county governments are involved in the transfer of land from fee to Trust and mine inspections.	High	Major
Navajo Region	Role	On behalf of the beneficiary, there is a high level of interaction between BIA offices and other DOI offices, such as OST/OTFM and FIMO to obtain an answer for a beneficiary.	Procedural	Enhances the delivery of responses to the beneficiaries.	High	Minor
Navajo Region	Mechanism	Social Security Death Index	Procedural	Provides access to decedent information.	High	Major
Navajo Region Eastern Navajo Agency	Mechanism	Probate Databases	Procedural	These are internal databases.	Medium	Medium
Navajo Nation	Obligation	Treaty of 1850 and Treaty of 1868	Treaty	Legal instrument providing Tribe with land and recognition as a nation.	High	Major
Navajo Nation	Obligation	The Navajo Nation Code	Tribal Code	Contains the general and permanent provisions of the resolutions of the Navajo Nation Council.	High	Major



Table 4.3.3- 10 Southwest Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Organization	OST/OTFM does not have any Agency Offices. However, on behalf of the beneficiary, there is a high level of interaction between OST/OTFM and other DOI offices.	Organization	The Regional Office OST/OTFM staff manages all transactions.	Medium	Major
Southwest Region	Organization	The Regional Office provides services mostly to Agency Superintendents. Only one Agency has a Tribal Government Representative.	Procedural	Minimal	Low	Minor

Table 4.3.3- 11 Western Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Hopi Tribe	Mechanism	Hopi Tribe does not use the DOI systems.	Compacted Tribe	Minimal	Low	Major
Hopi Tribe	Mechanism	Hopi Tribe Realty does not utilize logs to record written requests for information.	Procedural	Prohibits follow-up with beneficiary	High	Minor
Hopi Tribe	Input	Hopi Tribe conducts outreach regarding probate and allotment issues.	Procedural	Improves beneficiary satisfaction.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Colorado River Indian Tribes	Role	Department of Justice responds to inquiries related to litigation concerning Trust lands i.e., western reservation boundary	Litigation	Represents legal interests of Tribes regarding trust lands.	High	Major
Chemehuevi Indian Tribe	Role	Department of Justice responds to inquiries related to litigation concerning Trust lands i.e., Shoreline leases.	Litigation United States vs. Aria et al, Section 4	Represents legal interests of Tribe regarding trust lands.	High	Major
Salt River Agency	Mechanism	Salt River does not use any of the DOI computer systems.	Compacted Tribe	Minimal	Low	Major
Salt River Pima-Maricopa Indian Community	Organization	The Salt River Pima-Maricopa Indian Community has compacted all federal Trust functions and therefore, serves as the official record repository and service provider.	Compacted Tribe Title 25 CFR E.O. 13175 BIA Government – to- Government Policy	Fulfills DOI's Self-Governance Objective.	High	Major
Salt River Pima-Maricopa Indian Community (SRPMIC)	Mechanism	SRPMIC System is a network of systems and applications including: Allotment Management System Lease Management System Financial Payment System Geographic Information System	Compacted Tribe	This network of systems stores and retrieves information concerning Trust land and accounts.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Salt River Pima-Maricopa Indian Community (SRPMIC) Colorado River Indian Tribes (CRIT)	Mechanism	SRPMIC System includes a TEAMS component. CRIT uses TEAMS	Innovation	Stores and retrieves information concerning Tribal elections and enrollments.	High	Minor
Pima Agency	Mechanism	ANADARKO	Procedural	Stores information on land ownership.	Low	Major
Pima Agency Uintah and Ouray Agency Fort Yuma Agency San Carlos Agency	Mechanism	National Indian Irrigation Management System (NIIMS)	Procedural	Used for the billing and collecting of irrigation operation and maintenance fees.	High	Major
Uintah and Ouray Agency	Organization	The Utah Division of Gas, Oil and Mines addresses requests from the BIA Agency regarding oil and gas matters on the Uintah and Ouray Ute Indian Reservation.	Procedural	Minimal	Low	Minor
Uintah and Ouray Agency	Mechanism	MMS has an Indian Mineral Owners Database that is used for research and interface with the RDRS.	Procedural	Minimal	Low	Major
Uintah and Ouray Agency	Mechanism	BLM - AFMSS	Procedural	Used by BLM to conduct production audits for oil	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				and gas wells.		
Uintah and Ouray Agency	Mechanism	BIA - NIOGEMS	Procedural	Oil and gas production application.	Medium	Major

Table 4.3.3- 12 Pacific Region Beneficiary Services Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Central California Agency Southern California Agency	Input	The workload for these Agencies includes a high volume of beneficiary contact form non-enrolled California Indians. In most cases, they are members of non-recognized Tribes who have a fee interest in public domain tracts of land. These Agencies also serve Tribal members from recognized Tribes from other states.	Demographics	Increases the Agency workload.	High	Major
Pacific Region	Organization Role Location	BIA Agency Advisory/Policy Boards Each of the three BIA Agencies have an advisory board composed of elected Tribal leaders who represent the interest of the Tribes in the respective Agency service	Established by the Regional Director	Ensures that the Superintendent considers the interests and concerns of the large number of Tribes being serviced by the Agencies.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		areas. Beneficiaries contact the board's representatives on Trust-related issues.				
Pacific Region	Organization Role Location	BIA Regional Advisory/Policy Board Advises the Regional Director on Tribal interests. The board is composed of members of the 3 Agency Advisory/Policy Boards.	Established by the Regional Director	Advises the Regional Director on Tribal interests and concerns.	High	Minor
Pacific Region	Organization Role Location	State, County and Local Governments. PL-280 - Enables states to assume criminal and civil jurisdiction over Indians and their lands.	Federal Law	State, County and Local law enforcement agencies exercise civil and criminal jurisdiction over activities on Indian Reservations. Usually, BIA contacts these agencies on behalf of the beneficiary. However, in trespass cases, the beneficiary may go directly to the county sheriff.	High	Major
Palm Springs Field Office	Obligation	25 CFR, Section 1.4(b) and the 81 USC. Instrument to reduce litigation.	Federal Law	Fulfills Trust obligations by authorizing Land Use Agreements between the Agua Caliente Band of Cahuilla Indians and City of Palm Springs.	High	Major
Pacific Region	Organization Role	California Indian Legal Services	Need for California	Point of contact for beneficiaries regarding	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Location		Indians to pursue litigation and assert rights.	Trust-related legal issues and serves as intermediary between the beneficiaries and the BIA.		
Pacific Region	Organization Role Location	Native American Rights Fund (NARF)	Need for California Indians to pursue litigation and assert rights.	Represents the legal interest of Tribes and individual Indians.	High	Minor
Pacific Region	Control	Regional Office Addendums to BIA Manuals and Handbooks	Procedural	Minimal	Low	Minor
Pacific Region	Mechanism	Only OST/OTFM uses LRIS.	Procedural	Minimal	Low	Major
Palm Springs Field Office	Obligation	Memorandum of Understanding between BIA and Agua Caliente Band of Cahuilla Indians	Procedural	Provides policy dealing with leasing.	High	Minor
Palm Springs Field Office	Mechanism	PC Lease	Procedural	Supports the posting of accounts receivable for leases.	Medium	Minor
Palm Springs Field Office	Mechanism	KEYFILE	Procedural	Document imaging and scanning system.	Medium	Minor
Southern California Agency	Control	Branch of Realty's Policy Handbook The operating procedures cover the handling of files, due dates and task assignments.	Procedural	Minimal	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern California Agency	Organization Role Location	Southern California Tribal Chairmen's Association	Tribal representation through the association.	Represents the interest of the Tribes to the BIA.	High	Minor
Pacific Region	Organization Role Location	California Indian Forest and Fire Management Council (CIFFMC)	Tribal representation through the consortium.	Acts on behalf of the California Tribes who have timber interest.	High	Minor
Southern California Agency	Organization Role Location	Southern California Indian Natural Resources Consortium (SCINRC)	Tribal representation through the consortium.	Consortium that consists of 16 self-governance Tribes and operates as a service provider to the members. The consortium contacts BIA on behalf of the member Tribes.	High	Minor
Southern California Agency	Organization Role Location	San Luis Rey Indian Water Authority	Tribal representation through the consortium.	Consortium that makes decisions on behalf of 5 Southern California Tribes.	High	Minor



4.3.4 Appraisal (A)

4.3.4.1 *Appraisal Summary Process Description*

The overall process starts with: Receive a request for a business transaction involving Trust land that requires one or more appraisal services before the transaction can be completed.

It ends with: Transmit approved appraisal to the client and file a copy of the report.

The Appraisal process normally begins when an individual Indian or Tribe makes a request for appraisal services, usually to a BIA Agency Office or Tribal Realty Office. Infrequently, a BIA Agency or Program Office requests an appraisal for its own purposes or to ascertain current market value on a tract or tracts of land; but most often, the request is associated with a Trust business transaction, such as a land sale, land exchange or lease. Agency or Realty staff assembles associated documentation, completes the appropriate request form and forwards the approved request and supporting documentation to the Office of Appraisal Services (OAS) Regional Appraisal Office. In some instances, the supporting documentation is incomplete or inadequate, and Agency, Realty or OAS staffs spend significant time gathering the necessary documents. For example, CFR regulations state that a survey must be completed before an appraisal request packet is submitted to the Regional Appraiser. More frequently, the packet is forwarded from the Realty Officer marked as "survey pending" and then the Regional Appraiser must decide whether to accept the request or not.

The Regional Appraiser or a Staff appraiser determines if the request can be satisfied by a previously approved appraisal. If the appraisal is deemed to still be accurate, the requestor is notified to proceed with the transaction based on the existing report. If a new service is required, the Regional Appraiser assigns the request to a certified/licensed appraiser (staff or contracted) who then provides a consultation statement if a range of potential market values will fill the need or produces a real property appraisal report if a certified statement of value is required. Many agencies request appraisal reports when a consultation, which is significantly less work, would serve the purpose and might help reduce the backlog of appraisal requests.

The appraisal process may include an inspection of the property; a search of databases for information on comparable properties; research of market data, zoning ordinances or Tribal resolutions; and writing the appraisal report. When the report is complete, the OAS Regional Appraisal Office reviews and either approves or rejects the report. The appraisal is reviewed for content, purpose and supporting documentation to ensure that the appraisal meets the standards of the Uniform Standards of Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal Land Acquisition (USFLA) where applicable, and that the information contained is not misleading to the intended user. Landowners are entitled by law to an appeal if they disagree with an appraisal; however, very few beneficiaries exercise this right.

Infrequently, the OAS is served with a legal subpoena, typically to resolve a dispute about the value of Trust lands or an appeal to an appraisal. In this instance, the Chief Appraiser or a Regional Appraiser assigns a certified/licensed appraiser to prepare and provide courtroom testimony. The appraiser may also supply any documentation or analysis requested by the court to support the expert testimony.

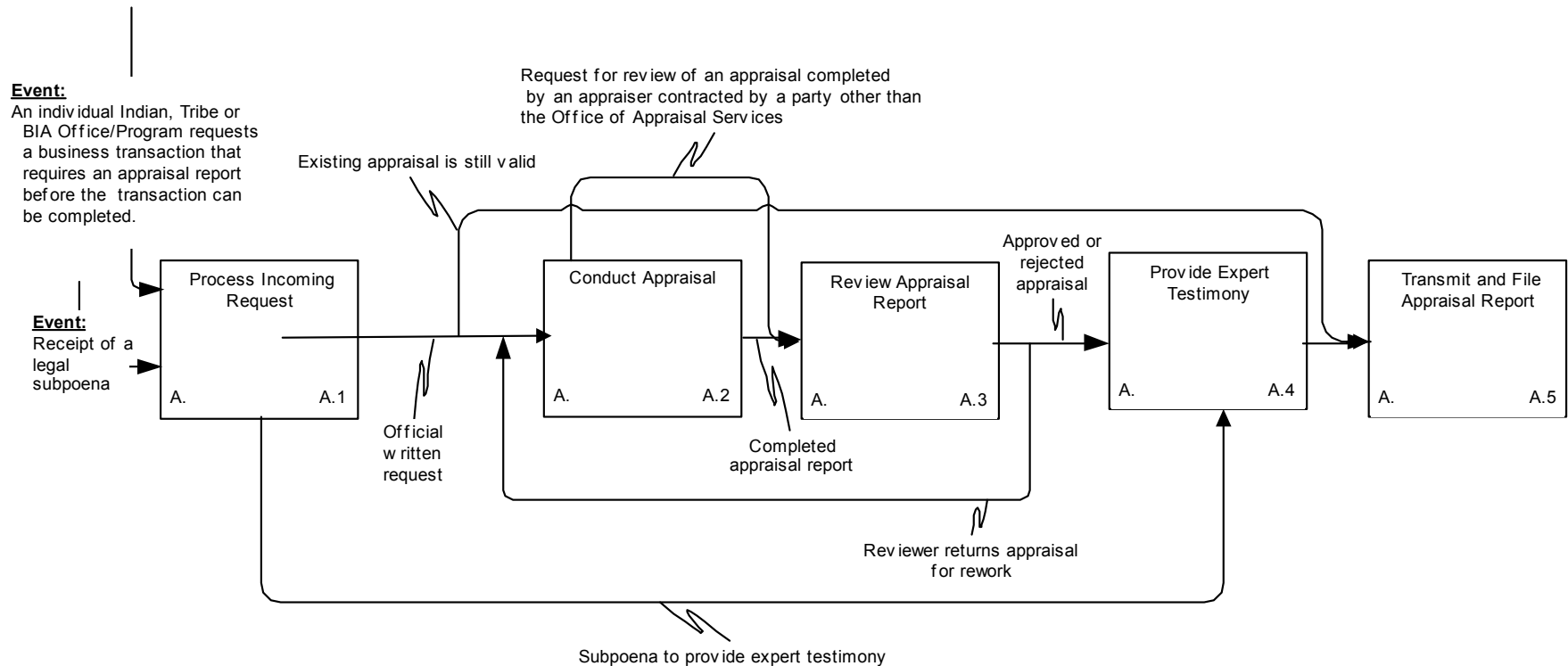


Figure 4.3.4- 1 Appraisal High Level Diagram



Appraisal Objectives

Trust beneficiaries are entitled by law to an accurate valuation of Trust lands, conducted using methods and techniques that conform to USPAP and USFLA where applicable. Additionally, the review and approval of all appraisals performed on Trust lands has been determined to be an inherently federal function, and must be completed before an appraisal report can become part of the documentation supporting a business transaction that involves Trust land. A beneficiary is also entitled to legal defense of appraisals completed on Trust lands.

The BIA or a Compacted/Contracted Tribe is the client for the OST Office of Appraisal Services (OAS) appraisal reports and reviews, and it is the responsibility of the BIA or a Compacted/Contracted Tribe to share appraisal information, as appropriate, with a Beneficiary.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to appraisal services are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries

b) Strategic Goal 3 - Land and Natural Resource Assets

Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.

Objective 3.4 Appraisals

Obtain appraisal information, as necessary, on trust and restricted lands for Tribal and individual Indian owners, using methods and techniques that meet professional standards.

c) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.4.2 Process Incoming Appraisal Request (A.1)

Starts with: Receive a verbal or written request for a business transaction that requires an appraisal service before the transaction can be completed.

Ends with: Send the appraisal request form and supporting documentation to the OAS Regional Appraisal Office.

An individual Indian, Tribe or BIA program presents a need, usually to a BIA Agency or BIA/Tribal Realty Office, for one of the following appraisal services:

- a) Site specific appraisal
- b) Mass appraisal
- c) Review of an outside appraisal (an appraisal on Trust property conducted without OAS supervision by a certified appraiser hired by entities outside OAS)
- d) Appraisal update
- e) Appraisal review
- f) Consultation

Most often, an appraisal report is required before a business transaction, such as a land sale, land exchange or lease, involving Trust land can be completed. However, in some specific instances, ILCA gives statutory authority for the beneficiary to sign a Waiver of Appraisal and the proposed transaction can be completed without an appraisal report.

BIA Agency or Compacted/Contracted Tribal Realty staff assembles associated documentation and determines if the requestor is the owner of the tract to be appraised. If the request cannot be processed, staff cancels or postpones the request and notifies the applicant. If it is a valid request, staff completes the appropriate form and forwards the approved request and associated documentation to the OAS Regional Appraiser. The official request form usually names the BIA or a Compacted/Contracted Tribe as client.

If a request is deemed to be sensitive or highly visible, and/or a significant risk of litigation exists, the request may be administered by the Chief Appraiser's Office.



Events:

An individual Indian, Tribe or BIA Agency or Program Office requests a business transaction that requires an appraisal report before the transaction can be completed
Realty Office request for an appraisal update
Request for review of an appraisal independently contracted by an individual Indian or tribe
Receipt of a legal subpoena
Request from a Deciding Official concerning land to be partitioned

From: Surface

L.2.1.1 Refine Range Trust Stipulations
L.2.1.4 Establish Range Unit
L.3.1.1 Plan Agricultural Tract Use

From: Sub-Surface

U.1.3 Pre-Lease
U.1.4 Establish Lease
U.2.1.1 Fluid Minerals Lease Administration
U.3.1.1 Solid Minerals Lease Administration

From: Probate

P.1 Prepare Probate Case
P.2 Probate Trust Estate

From: Title

T.2 Modify Land Encumbrances and Conveyances
T.3 Dispose of Trust Real Property
T.4 Maintain Title
T.5 Produce Title Status Report

From: Beneficiary Services

B.1 Beneficiary Contact

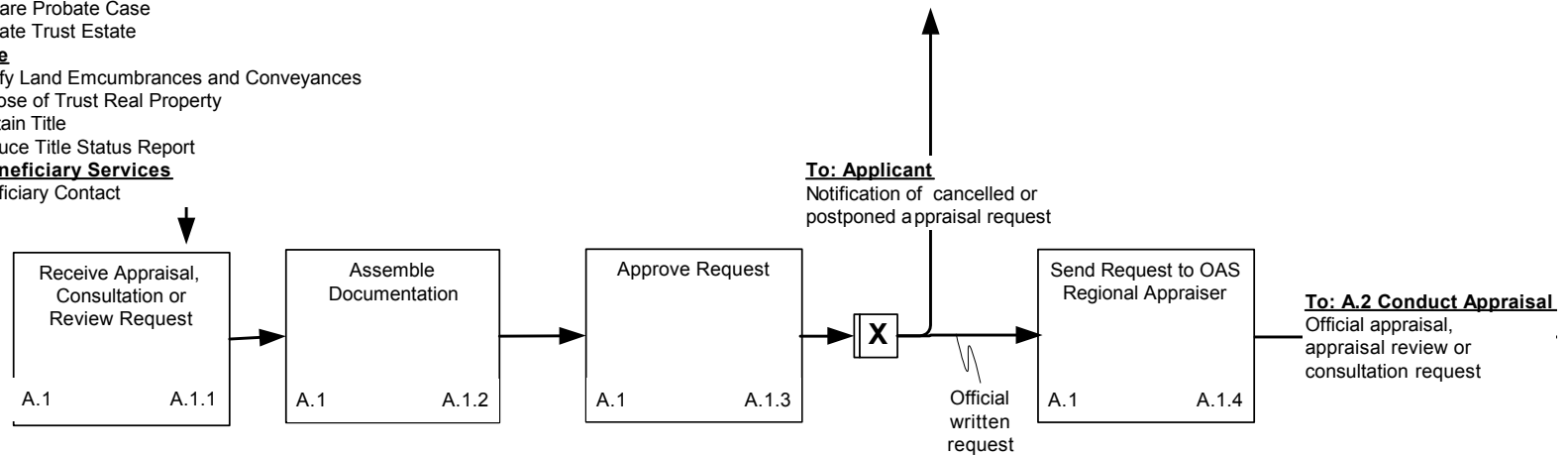


Figure 4.3.4- 2 Process Incoming Appraisal Request IDEF (3)



Beneficiary Involvement for Process Incoming Appraisal Request

Beneficiaries often trigger the process. They sometimes check the status of their request with the BIA Agency or Tribal Office Staff.

Process Incoming Appraisal Request Significant Notes

- a) At least 80% of all appraisal requests are made by a Tribe or individual Indian beneficiary through a BIA Realty Office or Tribal Realty Office. The remaining 20% may be made by a Compacted/Contracted Tribe going directly to the Regional Office, or requested by a BIA Program Manager (Credit & Finance, Roads, Natural Resources, Rights Protection, Housing, and Property Management).
- b) An OAS Regional Office will not accept verbal appraisal requests. All requests must be submitted on the standard request form developed by OAS.
- c) A request may be postponed or cancelled by a BIA Agency, a Compacted/Contracted Tribe or an OAS Regional Appraisal Office. For example, a request can be cancelled because the requestor is not an owner of the property to be appraised or the property is not Trust land. If a requestor does not provide enough supporting documentation and/or information concerning the business to be transacted, processing of the request may be postponed until additional information is supplied. In other instances, the Agency or Tribal Office may be asked to revise and resubmit the request.
- d) On June 20, 2002, BIA authority to perform Trust appraisals was revoked by Secretary Norton's order 3240 dated 3/12/02. The Chief Appraiser, Regional Appraisers and Staff appraisers were transferred to the Office of Appraisal Services in OST. The move was made to eliminate any perceived and/or potential conflict of interest between the appraiser and BIA or Tribal Realty Officials.



Process Incoming Appraisal Request Detail Description

Receive Appraisal or Consultation Request (A.1.1)

Starts with: Receive a request for appraisal services in a BIA Agency Office or Tribal Office.

Ends with: Initiate assessment and documentation of the appraisal request.

A BIA Agency or Tribal Realty Office receives a request to enter into a business transaction that requires a real property appraisal report, consultation statement or appraisal report review before the transaction can be completed. Requestors most frequently are one of the following:

- An individual Indian
- A Tribe
- A BIA Agency or Program Office

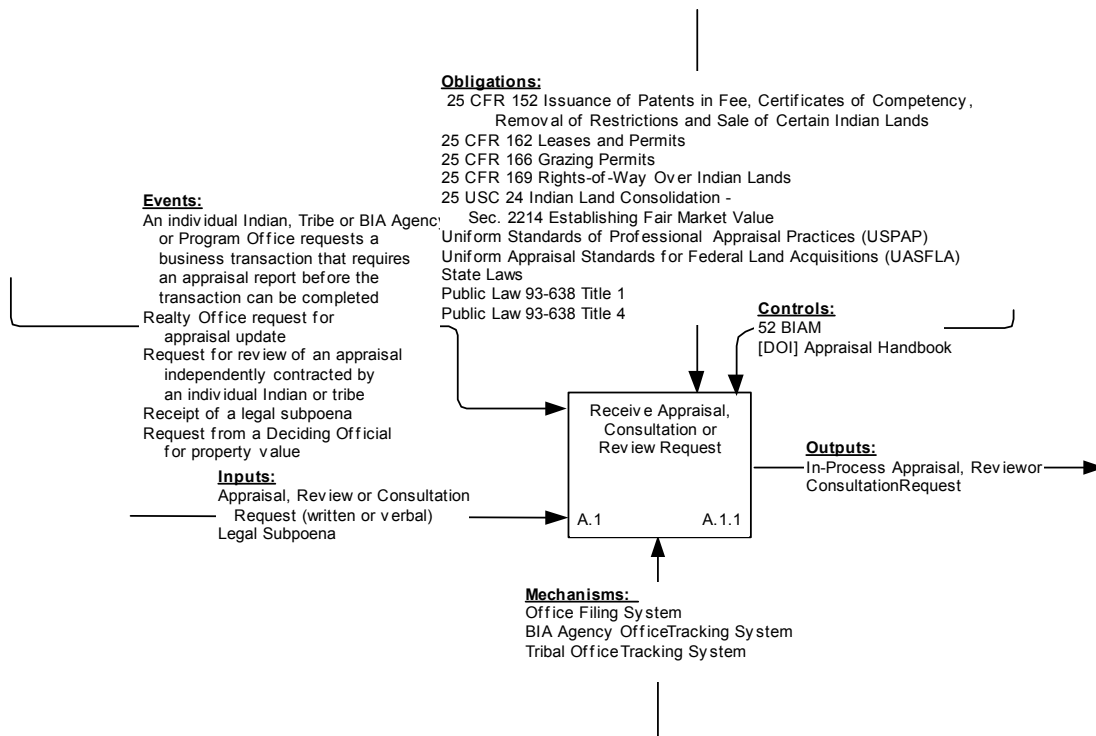


Figure 4.3.4- 3 Receive Appraisal, Consultation or Review Request

Assemble Documentation (A.1.2)

Starts with: Receive an in-process request for appraisal services (report, consultation or review).

Ends with: Support the in-process request with associated documentation.

Staff, usually in a BIA Agency, BIA Realty Office or Tribal Realty Office, assembles supporting documentation about the proposed business transaction and site on which an appraiser will need to complete an appraisal, consultation, or appraisal review. In many instances, the information available is incomplete and significant time is spent gathering necessary documents.

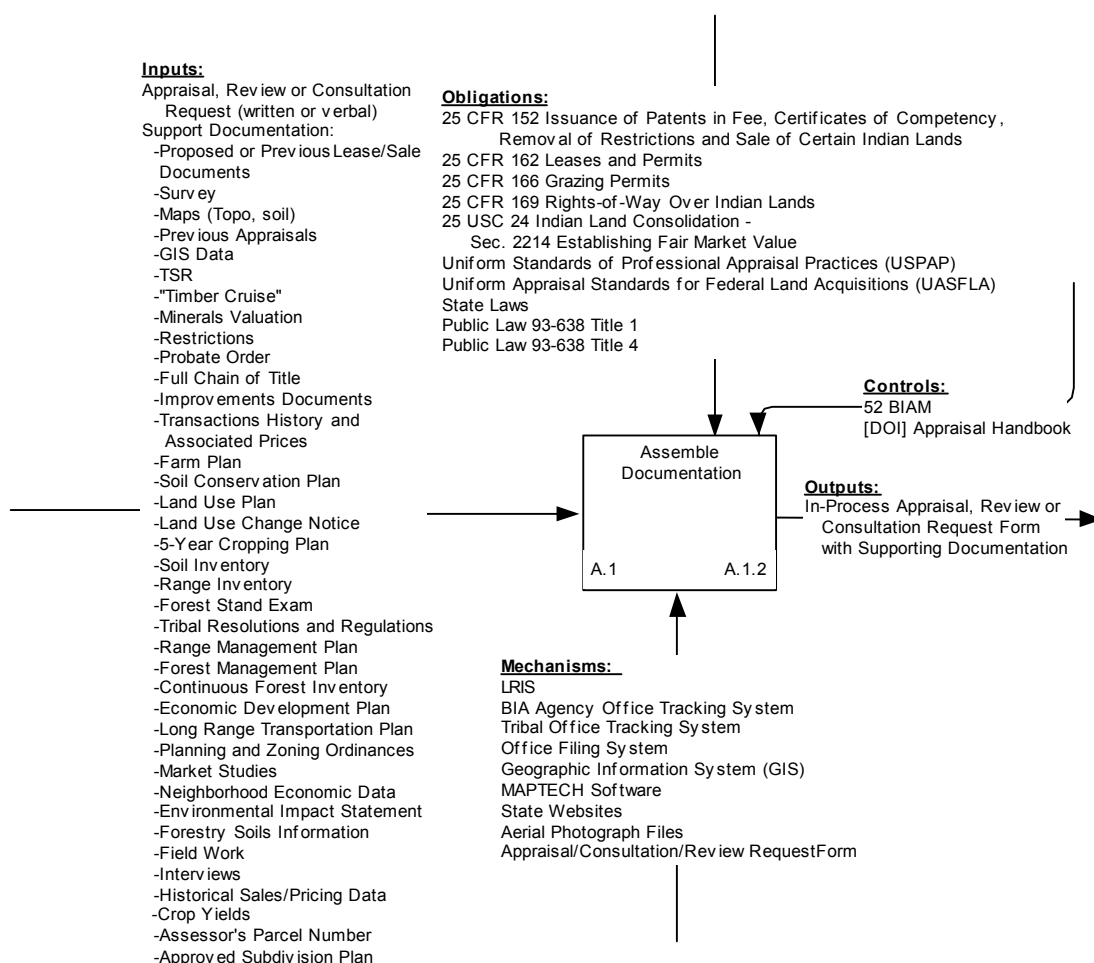


Figure 4.3.4- 4 Assemble Documentation IDEF (0)



Approve Request (A.1.3)

Starts with: Review assembled request documentation.

Ends with: Approve or reject the appraisal, consultation, or appraisal review request.

BIA Agency or Tribal Realty Office staff determines if an appraisal, appraisal review or consultation request can be processed. For example, staff needs to verify that the requestor is the landowner and entitled to make an appraisal request. If the request is valid, staff completes the appropriate request form with supporting documentation and forwards the package to a BIA Superintendent or his/her designee for signature unless the request is from a Compacted/Contracted Tribal Realty Office. In that instance, the Superintendent's signature is not required in most regions. The official request always identifies the BIA or a Compacted/Contracted Tribe as the client for an OAS appraisal.

If the request is determined to not be valid, staff cancels or postpones the request and notifies the applicant. For example, it is not uncommon in probate situations, that a potential heir requests to sell or exchange the land in which they will be receiving an interest before that interest is conveyed via the final disposition of the estate. For this reason, it is necessary to check that the requestor does have an ownership interest in the tract/allotment for which the appraisal is being requested. If the ownership interest has not yet been conveyed, the potential heir's request is not valid.

If a request is deemed to be sensitive, highly visible and/or a significant risk of litigation exists, the request can be administered by the Chief Appraiser's Office.

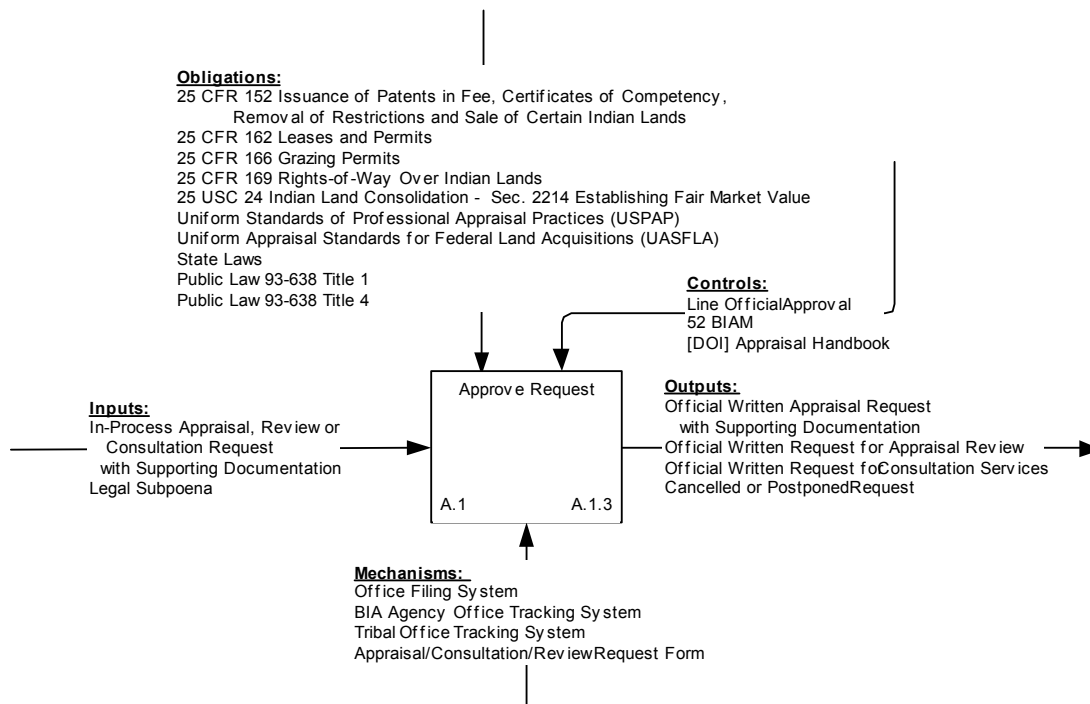


Figure 4.3.4- 5 Approve Request IDEF (0)



Send Request to OAS Regional Appraiser (A.1.4)

Starts with: Approve the request for appraisal services.

Ends with: Forward the request package to the Office of Appraisal Services (OAS) Regional Appraiser.

A BIA Agency or a Compacted/Contracted Tribal Realty Office forwards the official appraisal, review or consultation request and associated documentation to the Office of Appraisal Services (OAS) Regional Appraiser.

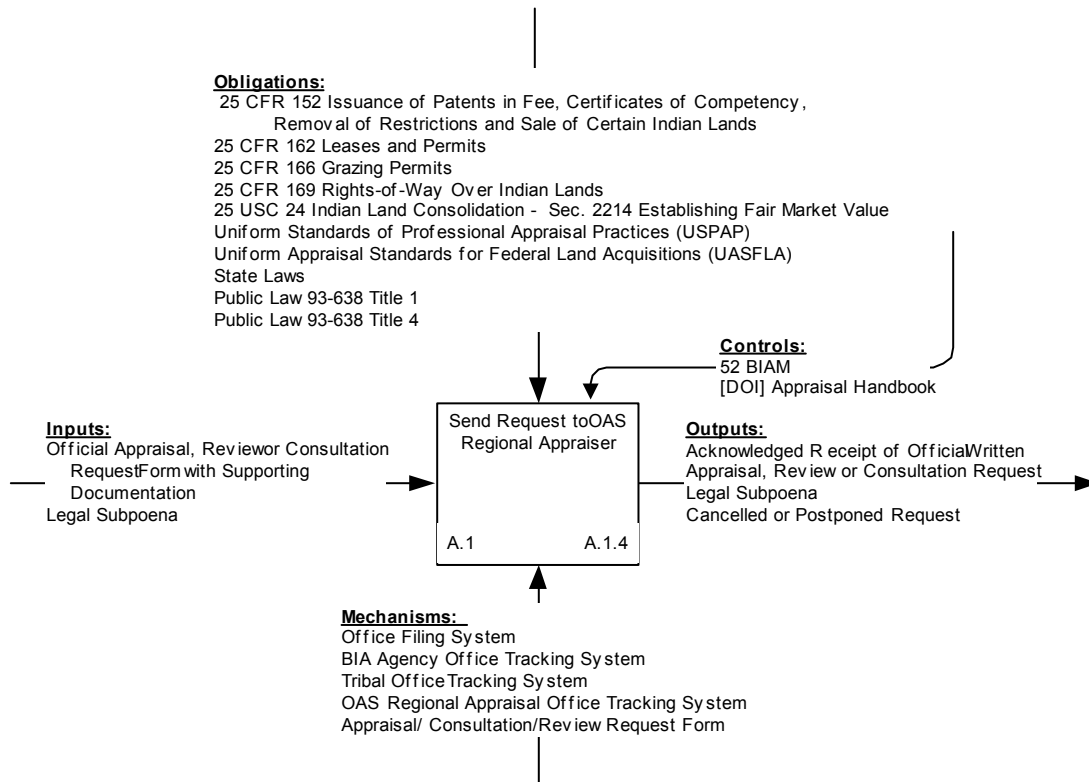


Figure 4.3.4- 6 Send Request to OAS Regional Appraiser IDEF (0)



4.3.4.3 Conduct Appraisal (A.2)

Starts with: Receive appraisal service request packet at OST/OAS and evaluate existing appraisal(s).

Ends with: Complete an appraisal report or consultation statement.

The Regional Appraisal Office receives an appraisal request package, including the official request form and supporting documentation. If the Regional Appraiser determines that the request package does not include all necessary information or is not in accordance with all applicable federal, states and local laws and regulations, he/she may cancel or postpone the request and return it to the BIA Agency Office or Compacted/Contracted Tribal Office for further processing. For example, if a timber valuation is required but not complete, the submitter may be asked to cancel the request and resubmit when the timber cruise is complete. More frequently, the Regional Office staff will call the submitting office and ask for more information rather than cancel the request.

The Regional Appraiser or a Staff appraiser determines if a request can be satisfied by a previously approved appraisal. If the appraisal is deemed to still be valid, the requestor is notified to proceed with the transaction based on the existing report. If a new appraisal service is required, the Regional Appraiser assigns the request to a staff or contracted appraiser who then (1) provides a consultation statement to the requestor if a range of potential value will suffice, or (2) conducts a site-specific property appraisal. Frequently, an appraisal report is requested when a consultation statement would suffice. However, per USPAP a consultation statement cannot contain a value; rather, it contains a range of data or a mean value from several sales without a recommendation or conclusion of value.

In the course of authorizing the production of an appraisal report, the Regional Appraiser or assigned appraiser determines the preliminary scope of the report based on the information contained in the request package and in consultation with the requesting Agency Superintendent, Program Manager or Compacted/Contracted Tribal Realty Official. He/she then reviews the purpose and intended use of the appraisal and makes the following determinations, in accordance with USPAP and USFLA, where applicable:

1. Will the appraisal process be complete or limited? The process is considered limited if there is one or more departure from USPAP requirements for a complete appraisal process.
2. Which of three primary approaches will be used to determine the value of a property: sales/market, income or cost approach?
3. What appraisal report form will be used: self-contained (full), summary or restricted? For example, restricted use reports, normally two-four pages in length, are appropriate for low risk transactions such as gifting land to a family member.

For the purposes of this baseline, an appraisal has been conducted any time a certified/licensed appraiser renders an opinion of value.

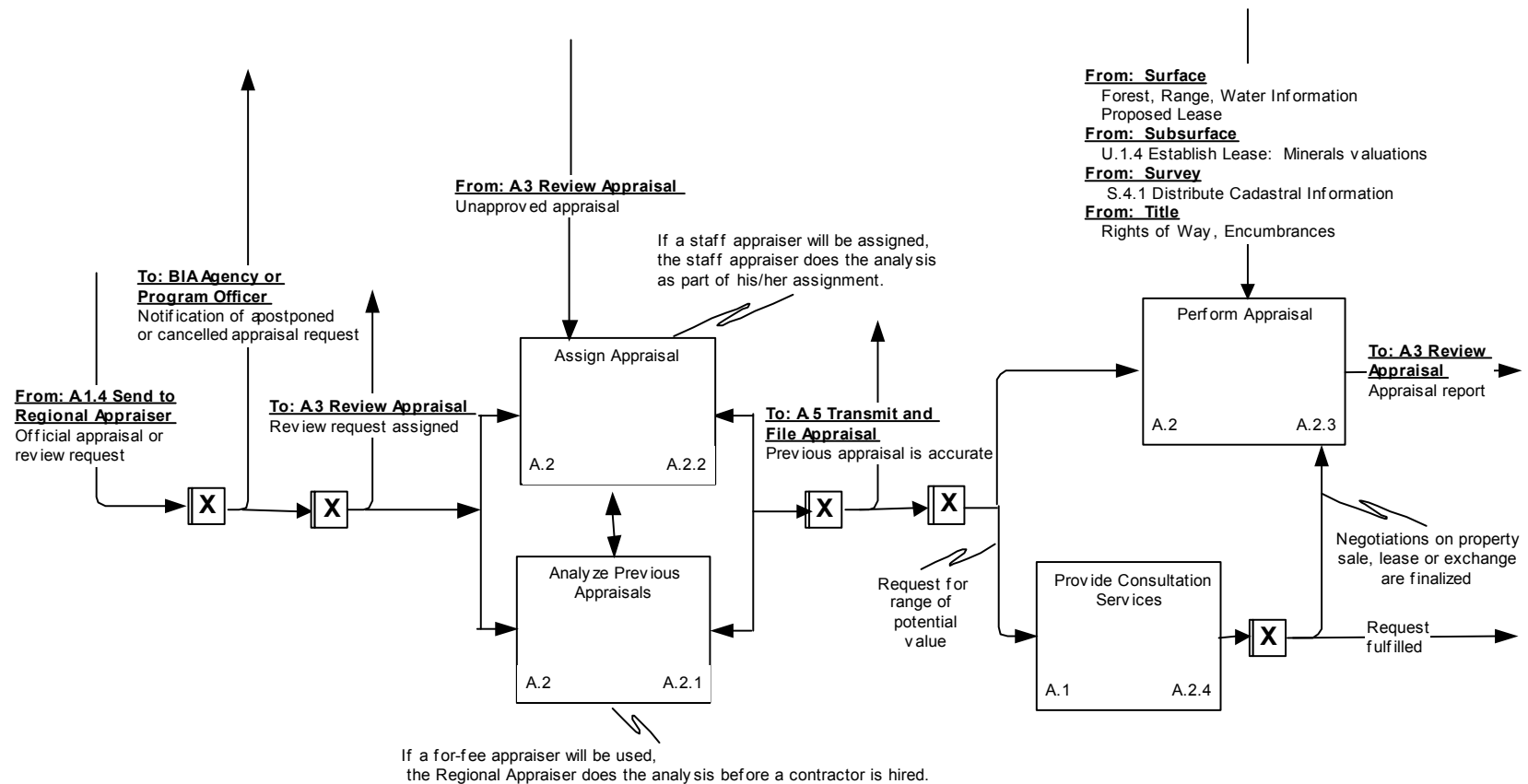


Figure 4.3.4- 7 Conduct Appraisal IDEF (3)



Beneficiary Involvement for Conduct Appraisal

Beneficiaries are usually not in contact with the appraiser. A potential for a conflict of interest exists, so interaction should be prudent. USPAP requires that an appraiser decline an appraisal request if he or she believes a perceived conflict of interest could arise.

At times, it is helpful for the appraiser to contact the landowner for additional information, such as directions to the site or to ascertain the conditions of property improvements, such as well and septic systems. Frequently, the appraiser asks a Realty Officer to contact the landowner and relay the information to the appraiser.

USPAP states that confidential information can only be disclosed to the client; i.e. BIA or a Compacted/Contracted Tribe.

Conduct Appraisal Significant Notes

- a) The Uniform Standards of Professional Appraisal Practices (USPAP) has been developed by the congressionally established Appraisal Foundation and defines the standards and practices of the appraisal industry. USPAP is revised and published annually.
- b) Appraisers are licensed by each state to perform appraisals in that state or have obtained a temporary permit or license to practice in that state. Each appraisal report must carry the appraiser's certification that an appraisal report was completed in accordance with USPAP standards.
- c) The Appraisal Handbook is an internal control document developed by the BIA while appraisers were part of BIA. OST/OAS has not officially recognized the Handbook at this time, but is in the process of developing a new one.
- d) OST/OAS keeps appraisals on file indefinitely. USPAP requires a minimum of five years retention, but the US Government considers all appraisals to be part of the permanent Trust record.
- e) Appraisers are required to complete continuing education coursework annually as required per USPAP and state licensing agencies. This educational requirement is also included in OST/OAS staff appraiser position descriptions.
- f) There is a difference of opinion among Regional Appraisers concerning appraisal of buildings on Trust land. Some believe that if the building is permanently affixed to the land, it should be valued in the real estate appraisal, no matter who owns the structure (landowner or lessee). Other appraisers believe that leasehold improvements, such as HUD houses, should not be included in the real estate property appraisal because the beneficiary is not the owner of the structure. It has also been suggested that there is a notation somewhere in the Regulations that denotes all buildings on Trust land as personal, not real property. If that is the case, buildings should be appraised using USPAP Standards 4 and 5, not 1 and 2 that apply to real estate property appraisals.
- g) National Park Service (NPS) and Fish & Wildlife (F&W) appraisers cannot use government sales for comparables, but OST/OAS can because they view those as arm's length transactions. Such transactions are frequently the most accurate, recent comparisons. Additionally, OST/OAS appraisers determine a "do not go below" value while NPS and F&W appraisers determine a "do not pay more than" value.



Conduct Appraisal Detail Description

Analyze Previous Appraisals (A.2.1)

Starts with: Receive a request for appraisal services in an OST/OAS Regional Appraisal Office.
Ends with: Determine that an existing appraisal on the tract is or is not still valid.

Before an appraiser begins work on a new appraisal, previously produced reports on the same property are analyzed to determine if they are still valid. If an existing report is still valid, the appraiser notifies the requesting BIA Agency Office or Compacted/Contracted Tribal Office that an existing appraisal reflects current market conditions and is applicable to the appraisal request. Per USPAP, the appraiser signs a certification and attaches a statement of supporting data and analysis to the appraisal explaining why he or she has determined that the existing appraisal is still valid.

If the previously approved appraisal is no longer valid or the established time period has elapsed, the appraisal is reviewed to validate site characteristics and existing leases, Rights of Way, etc. indicated on the official request form.

If a contracted appraiser provides the appraisal services, the Regional Appraiser completes this analysis before a contractor is hired. If a staff appraiser provides the appraisal service, the staff appraiser completes the analysis as the first step in his/her assignment.

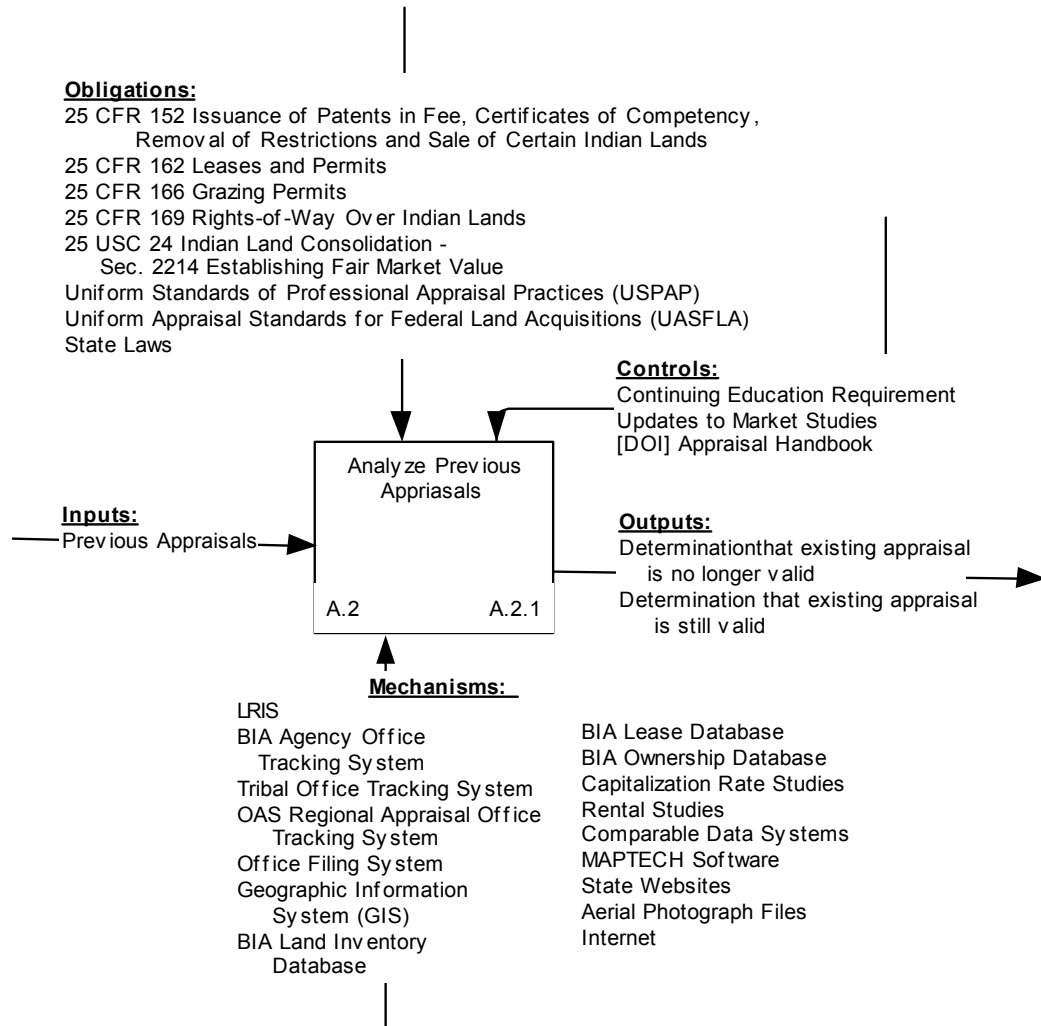


Figure 4.3.4- 8 Analyze Previous Appraisals IDEF (0)



Assign Appraisal (A.2.2)

Starts with: Receive a request for appraisal services or for rework of an in-process appraisal in an OST/OAS Regional Appraisal Office.

Ends with: Assign a request or unapproved appraisal report to an appraiser for action.

The Regional Appraiser assigns the unapproved appraisal or the request for an appraisal report, consultation statement or appraisal review to the appropriate staff or contract appraiser based on the technical or competency requirements that will be necessary to provide the service.

A single appraisal request may result in multiple appraisals and assignments to multiple appraisers.

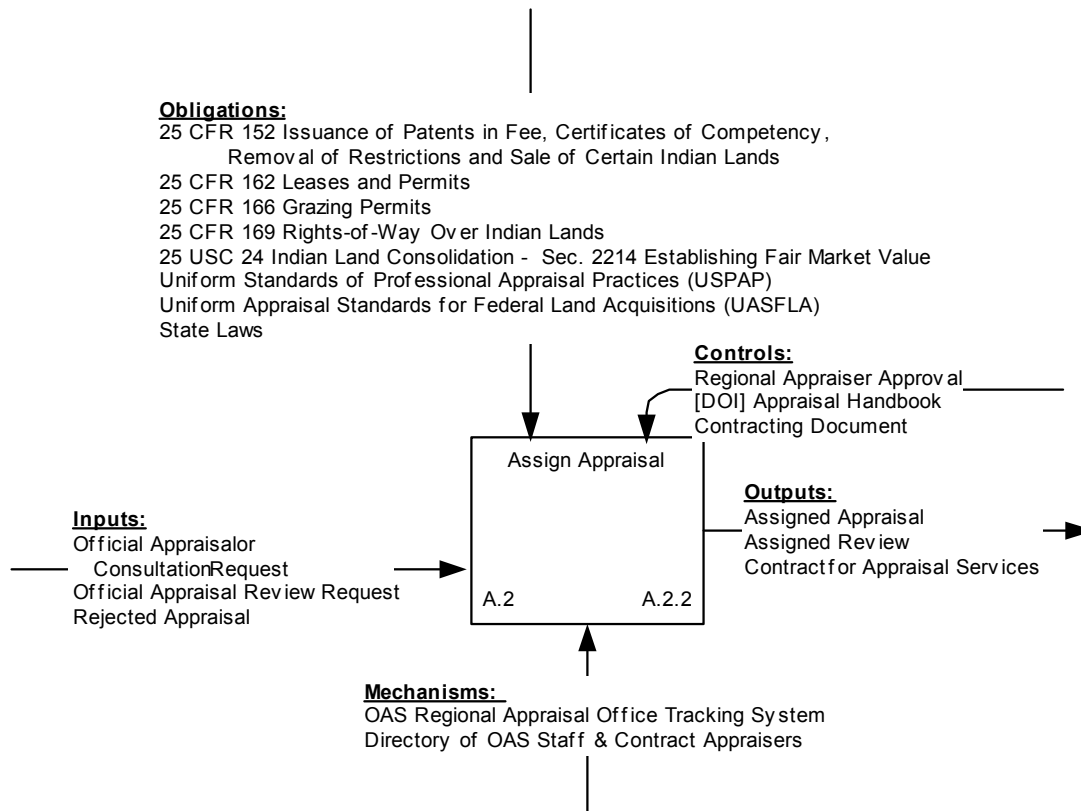


Figure 4.3.4- 9 Assign Appraisal IDEF (0)



Perform Appraisal (A.2.3)

Starts with: Verify that the appraiser has the necessary supporting documentation to begin appraisal research.

Ends with: Sign the completed appraisal report.

The appraisal process may include inspecting the property; checking databases for information on comparable properties; researching, discovering and verifying market data, zoning ordinances and Tribal resolutions; and writing the appraisal report.

Typical appraisal reports include:

- a) Executive Summary
- b) Effective date of the appraisal
- c) Client
- d) Intended use of the appraisal
- e) Date of the appraisal report
- f) Purpose of the appraisal
- g) Property rights appraised
- h) Legal Description
- i) Property description
- j) Scope (How deep was the investigation)
- k) Market context (A macro context for economic evaluation)
- l) Determination of highest and best use
- m) Definition of the term "market value" as used in the report
- n) Definition and explanation of the approaches used to determine value (cost, sales comparison, or income) and justification for excluding approaches, if any
- o) Comparables
- p) Market Value
- q) Marketing and exposure time periods linked to value
- r) Reconciliation of the approaches to determining value
- s) Opinion of value
- t) Assumptions and limiting conditions
- u) Certification of the appraiser(s)

If an appraisal report is provided for a property with multiple owners, the appraisal is completed on the full tract and a BIA Agency or Tribal Realty Official divides the interest between the owners.

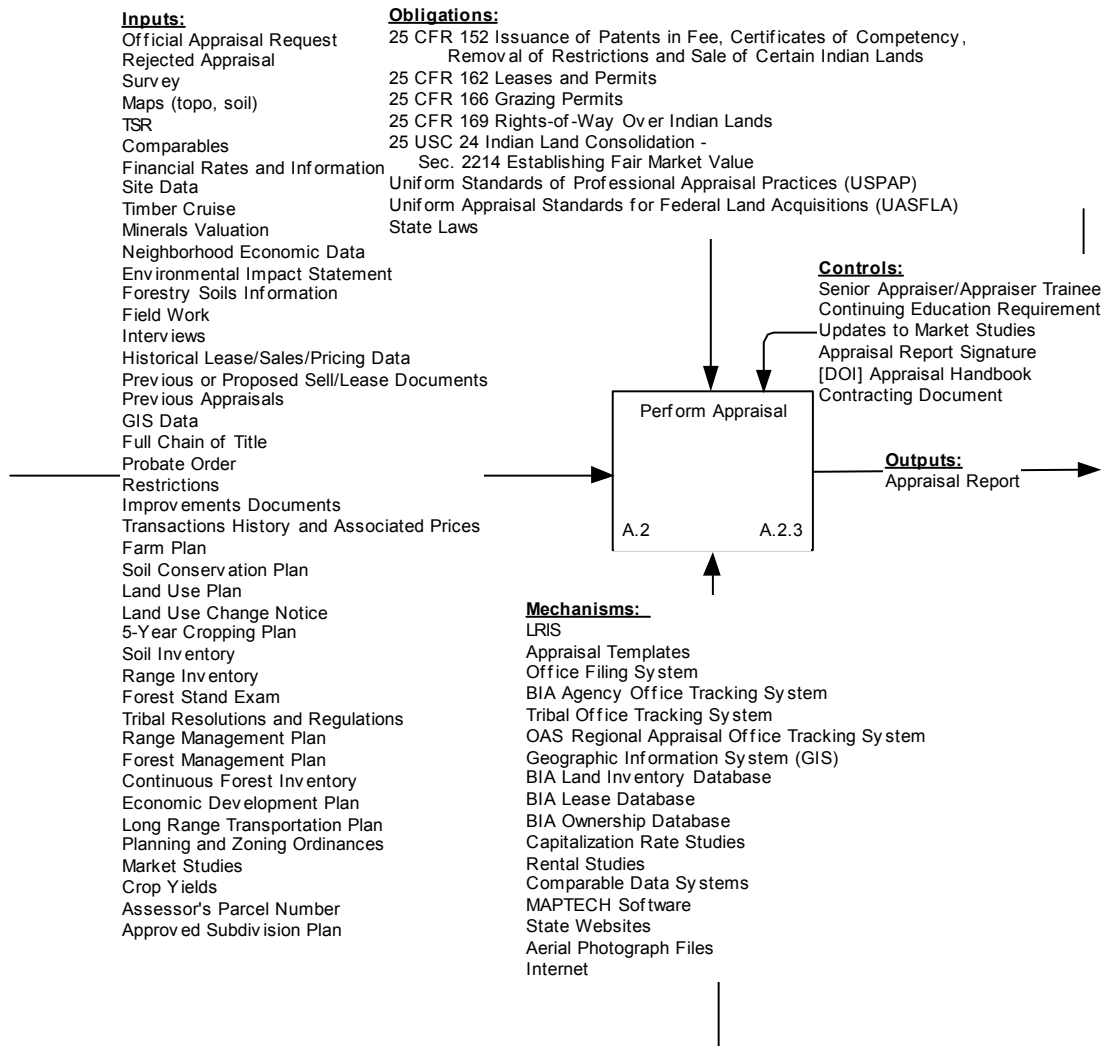


Figure 4.3.4- 10 Perform Appraisal IDEF (0)



Provide Consultation Services (A.2.4)

Starts with: Assign a request for an appraisal consultation to an appraiser.

Ends with: Provide a consultation statement to a BIA Agency Office or Tribal Office.

If providing a range of potential values rather than a site-specific appraised value can satisfy the request, then an appraiser produces a consultation statement for the BIA Agency, BIA Realty Office or Compacted/Contracted Tribal Realty Office so they can better serve the beneficiary. Per USPAP, a consultation report, if completed by a certified/licensed appraiser, cannot contain a conclusion or an opinion of value. If the report contains such an opinion, it is an appraisal. The consultation can contain a range of values based on market data and/or a mean average with the client determining the final value using the consultation statement as a guide. When and if negotiations on a business transaction involving the property are finalized, an appraisal report may be produced. Appraisers co-located in Agency or Tribal Offices spend a considerable amount of time consulting with Realty Officials.

The OST/OAS Chief Appraiser allows each Regional Appraiser to determine how his/her region will handle consultation requests and when production of a consultation statement is appropriate and adequate to meet requestors' needs.

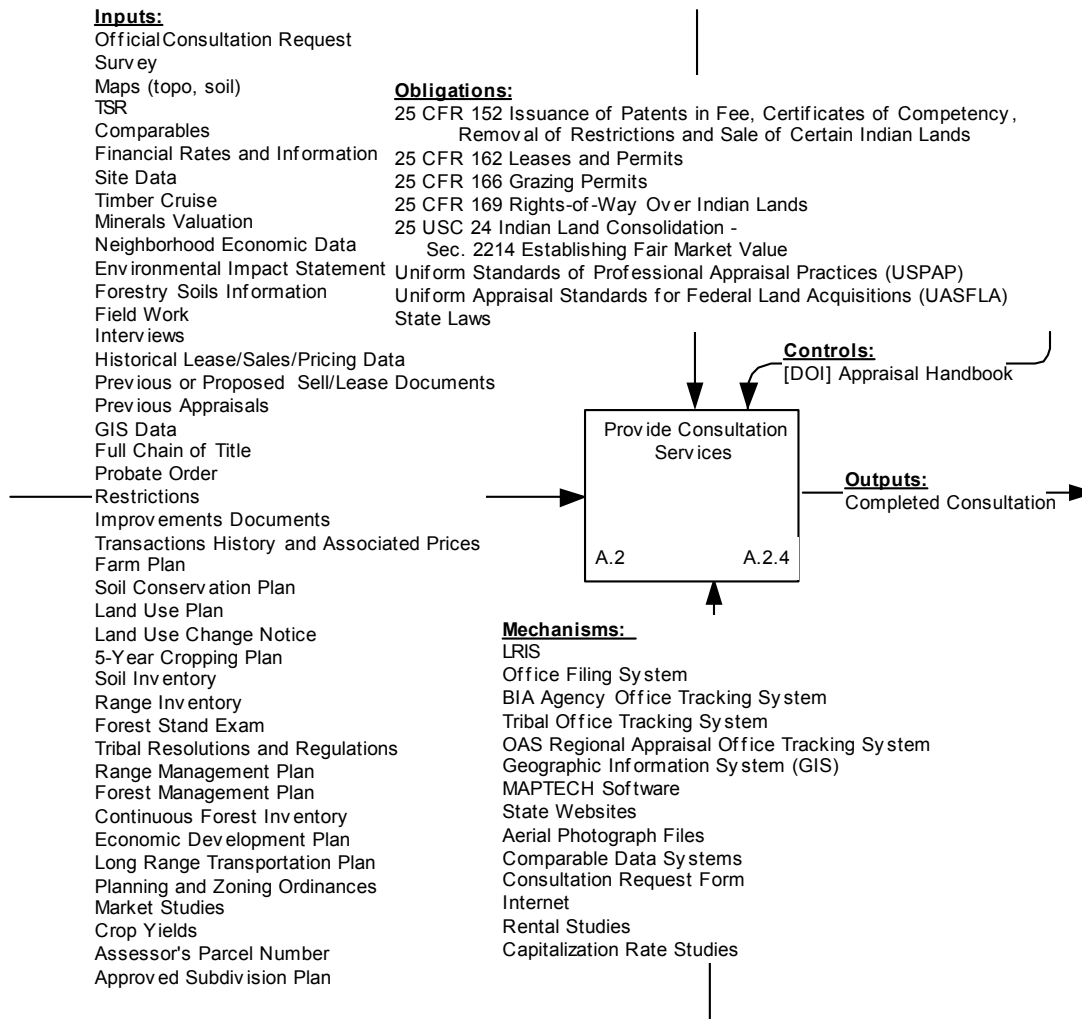


Figure 4.3.4- 11 Provide Consultation Services IDEF (0)



4.3.4.4 Review Appraisal Report (A.3)

Starts with: Receive a completed appraisal report in an OST/OAS Regional Appraisal Office.
Ends with: Approve, conditionally approve or reject a reviewed appraisal report.

The review and approval of Trust land appraisals is an inherently federal function and is therefore performed by an OST/OAS Regional Appraiser or a certified/licensed staff reviewer in almost all instances. Infrequently, the review is contracted out if there is not a staff appraiser with the subject matter expertise to complete an adequate review; e.g., the review of an appraisal report that includes a shopping center in regions with primarily range land or an allotment where dinosaur bones have been found. But ultimately, the responsibility for the review rests with the OST/OAS Regional Appraiser. In response to a specific request, the Chief Appraiser may personally perform the review, but most reviews are completed in the Regional Appraisal Offices.

The OST/OAS Regional Appraisal Office receives an appraisal report, reviews the report, and either approves or rejects the report. The appraisal is reviewed for content, purpose and supporting documentation to ensure that the appraisal meets USPAP standards, the information contained in the report is not misleading to its intended user and the result is logical and reasonable.

If the Regional Appraiser determines an appraisal is accurate, he/she signs the report as approved and forwards it to the client. If the Regional Appraiser determines the report is acceptable within certain standards and range, he/she can conditionally approve the report and forward it to the client. If the Regional Appraiser determines that an appraisal report needs to be materially changed, affecting the determined value, he/she has three options:

- a) If prepared by an OST/OAS staff or contracted appraiser, return the report to the same or a different appraiser for re-work
- b) If prepared by a Tribal or BIA contracted appraiser, attach a review statement, reject the report ("Recommends Rejection Without Alternate Valuation") and return it to the Tribal Realty Official or BIA Superintendent.
- c) Develop his/her own opinion of value in conformance with USPAP Standards 1 and 2.

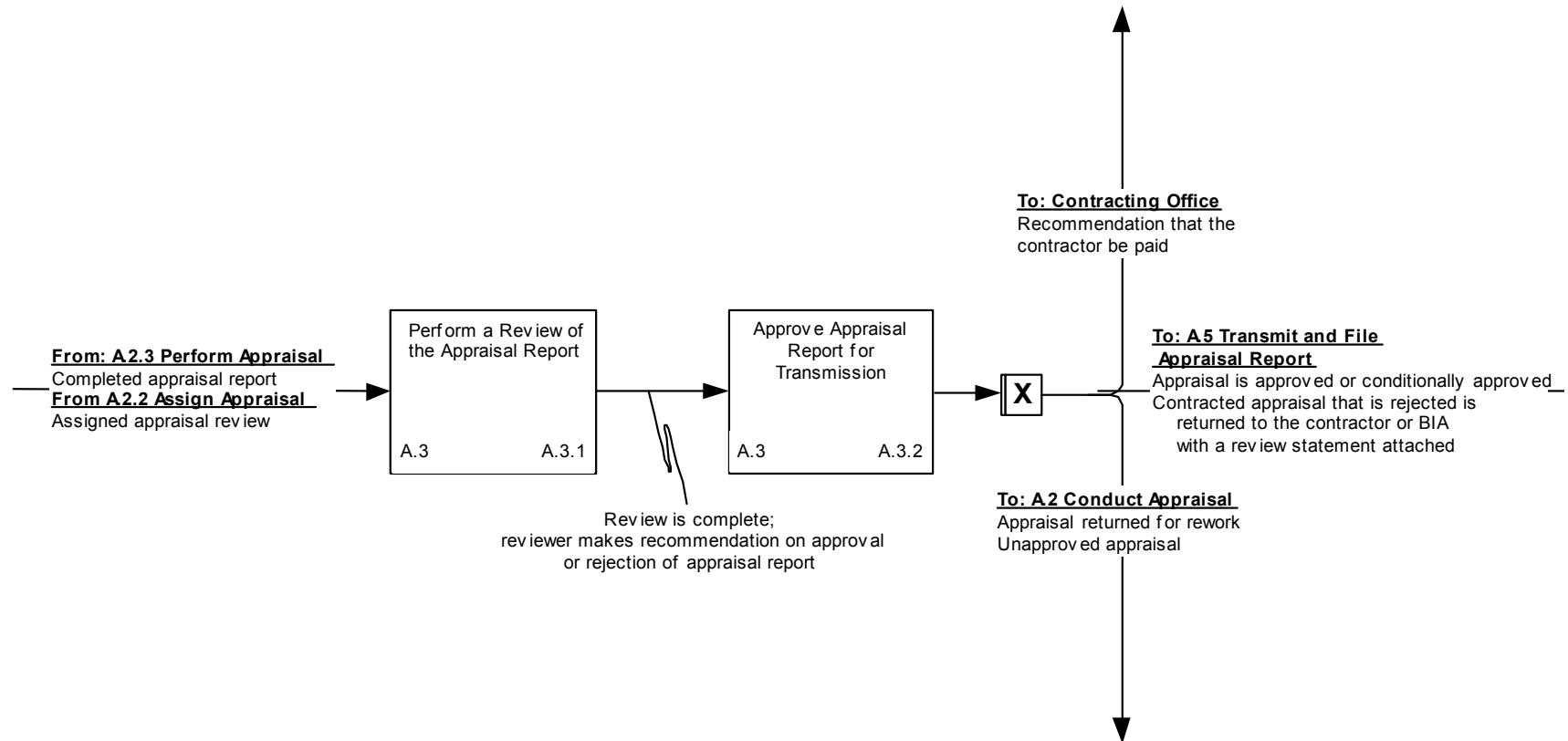


Figure 4.3.4- 12 Review Appraisal Report IDEF (3)



Beneficiary Involvement for Review Appraisal Report

Beneficiaries may submit a request through a BIA Agency Office, an OST/OAS Regional Office or a Compacted/Contracted Tribe to have an independently contracted appraisal reviewed.

Review Appraisal Report Significant Notes

- a) Although they do not share appraisals, OST/OAS will review a National Park Service (NPS) or Fish & Wildlife (F&W) appraisal. If OST/OAS determines the appraisal report is valid, OST/OAS will ask BIA to cancel their appraisal request and accept the existing reviewed and approved report. However, since NPS or F&W frequently represents the buyer, it remains BIA's option whether or not to accept the appraisal.
- b) OST/OAS has no authority to appraise other than Trust land, but may perform a review of those appraisals conducted by other appraisers on "Fee to Trust" transactions if requested.
- c) An "accepted" designation on an appraisal report allows a contractor to be paid for his/her work, even though the reviewer may decide another appraisal report on the same property is the "approved" appraisal.



Review Appraisal Report Detail Description

Perform a Review of the Appraisal Report (A.3.1)

Starts with: Receive a request to review a contracted appraisal report or an OST/OAS completed appraisal report.

Ends with: Recommend approval or rejection by the Regional Appraiser of a reviewed appraisal.

The OST/OAS Regional Appraiser personally performs a review of an appraisal report or assigns a certified/licensed staff appraiser. A technical review is performed by a certified/licensed appraiser and includes a paper review of the report and also includes a site inspection about 20% of the time. An administrative review is performed infrequently, and does not require a certified/licensed appraiser to do the work because the reviewer only checks math calculations and the accuracy of the site data per USPAP Standard 3 and USFLA Section C.

The reviewer creates a report documenting the review of the appraisal and makes a recommendation to the Regional Appraiser concerning the acceptance of the appraisal.

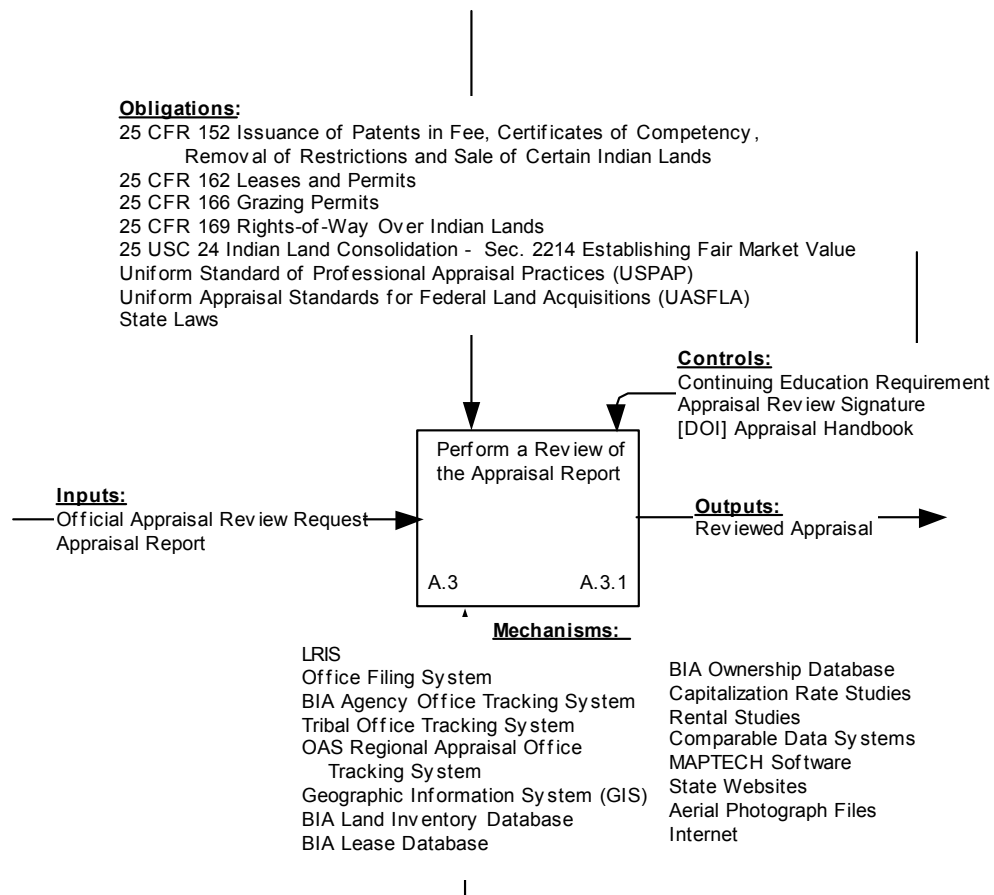


Figure 4.3.4- 13 Perform a Review of the Appraisal Report IDEF (0)



Approve Appraisal Report for Transmission (A.3.2)

Starts with: Deliver a completed appraisal review to the Regional Appraiser.

Ends with: Approve or reject an appraisal report for transmission to the client.

The OST/OAS Regional Appraiser takes appropriate action after the appraisal review is complete and he/she receives the reviewer's recommendation for acceptance or rejection of the report.

The Regional Appraiser may:

- a) Reject the reviewer's recommendation and
 - i. assign the review to an alternate reviewer (occurs infrequently)
 - ii. personally perform the review
 - iii. return the appraisal report to the reviewer for reconsideration
- b) Approve the reviewer's recommendation for approval or conditional approval.
- c) Approve the reviewer's recommendation for rejection without alternate valuation.

If a contractor hired by the Regional Appraisal Office performed the appraisal, and the Regional Appraiser finds the report acceptable, he/she recommends to the OST/OAS Contracting Office that the appraiser be paid.

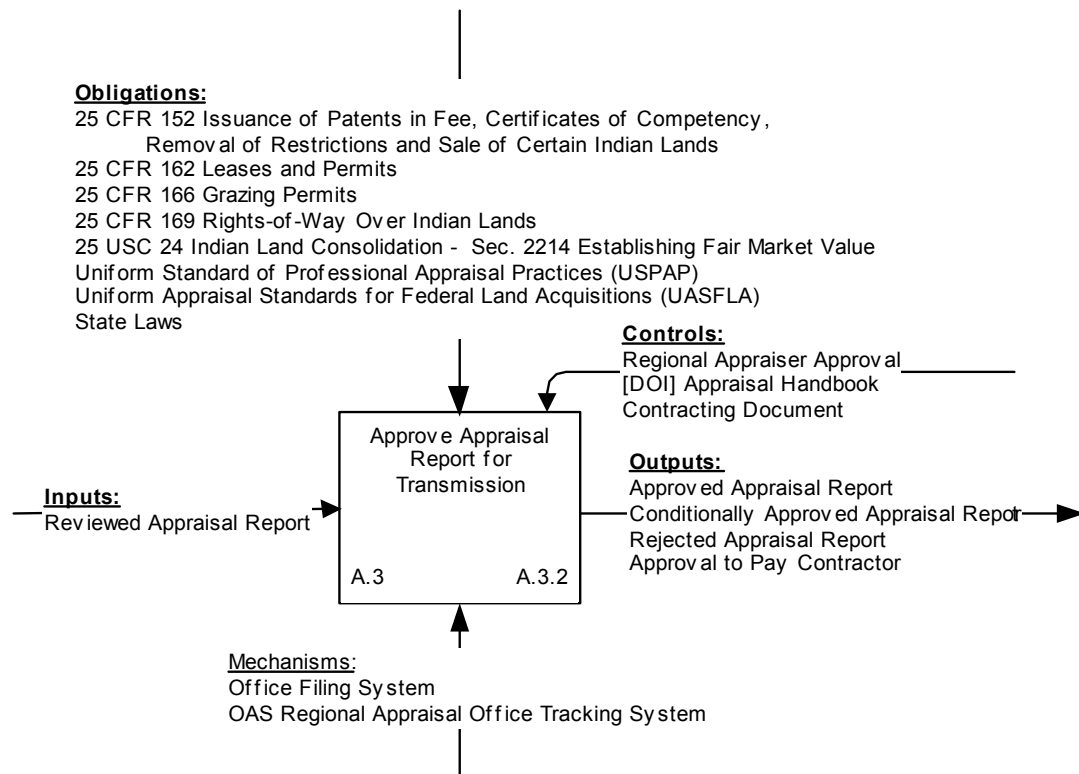


Figure 4.3.4- 14 Approve Appraisal Report for Transmission IDEF (0)



4.3.4.5 Provide Expert Testimony (A.4)

Starts with: Assign an appraiser to provide testimony.

Ends with: Provide testimony in a courtroom.

In response to a legal subpoena, the Chief or Regional Appraiser assigns a certified/licensed appraiser to prepare and provide courtroom testimony, typically to resolve a dispute about the value of Indian Trust property or an appeal to an appraised value. The appraiser may also supply any documentation or analysis requested by the court to support the expert testimony.

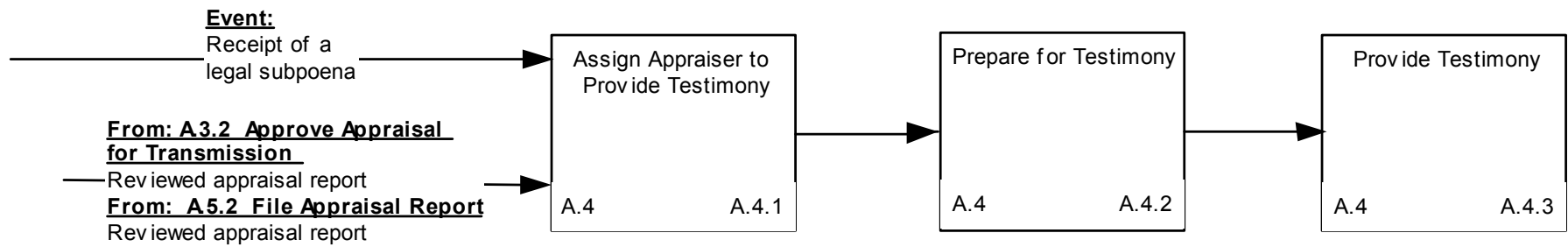


Figure 4.3.4- 15 Provide Expert Testimony IDEF (3)



Beneficiary Involvement for Provide Expert Testimony

Beneficiaries may initiate the appeals process or may be a party to the legal case.

Provide Expert Testimony Significant Notes

- a) The Solicitor's Office may request an appraisal. Such requests usually do not follow the established request process in the following ways:
 - 1. No formal request is tendered and the request is usually faxed directly to a staff appraiser, by-passing the Regional Appraiser for assignment.
 - 2. The appraisal report is to be delivered back to the solicitor within a specified timeframe.
 - 3. The appraisal report is not reviewed.
 - 4. Frequently, neither the BIA nor a Tribe is named as the client for the appraisal.



Provide Expert Testimony Detail Description

Assign Appraiser to Provide Testimony (A.4.1)

Starts with: Receive a legal subpoena to provide expert appraisal testimony.

Ends with: Assign an appraiser to prepare and provide expert testimony.

In response to a legal subpoena, the Chief or Regional Appraiser assigns an appraiser to appear in federal district court to provide expert testimony. It may be that a subpoena has designated a specific appraiser. In other cases, it may be that the court has asked for an expert witness on a particular appraisal topic.

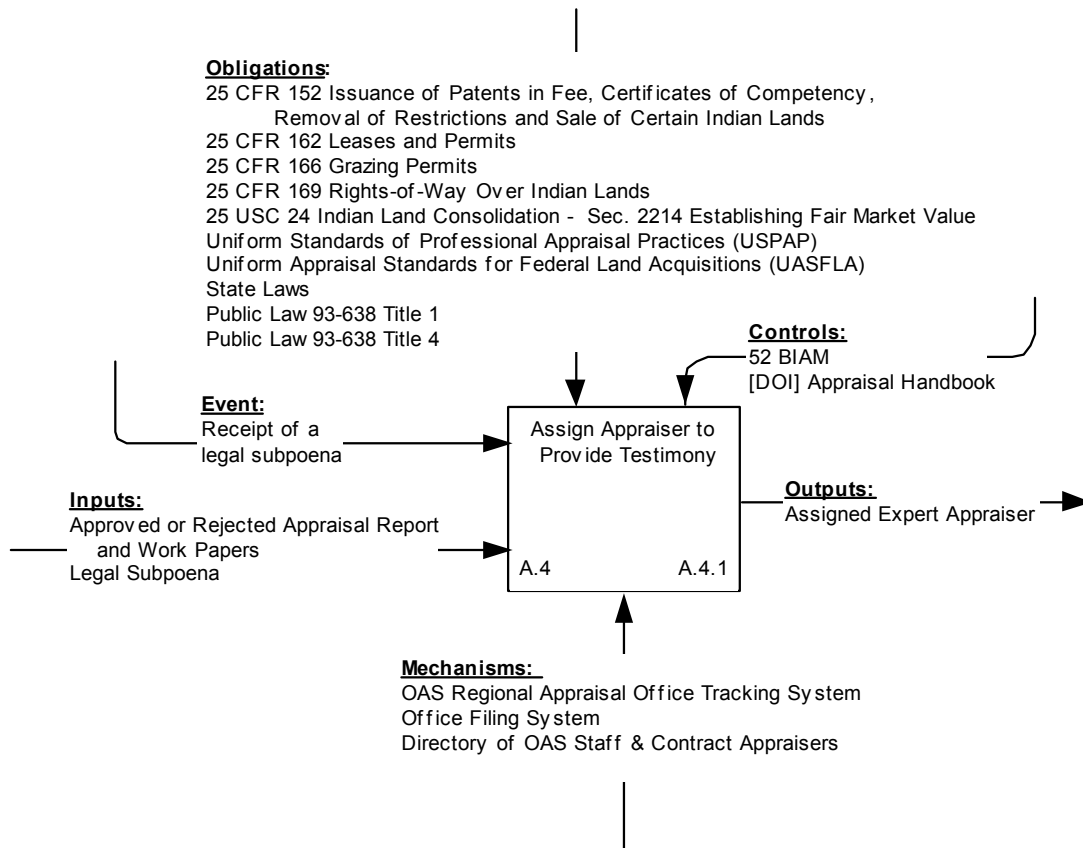


Figure 4.3.4- 16 Assign Appraiser to Provide Testimony IDEF (0)



Prepare for Testimony (A.4.2)

Starts with: Receive an assignment to prepare and provide expert testimony.
Ends with: Complete preparation and exhibits for the court case.

The Appraiser reviews the subject appraisal report and associated work papers, may visit the site in question, and determines if his/her testimony will concur or disagree with the appraisal report. Additionally, the appraiser may prepare exhibits for the court and/or consult with BIA legal experts.

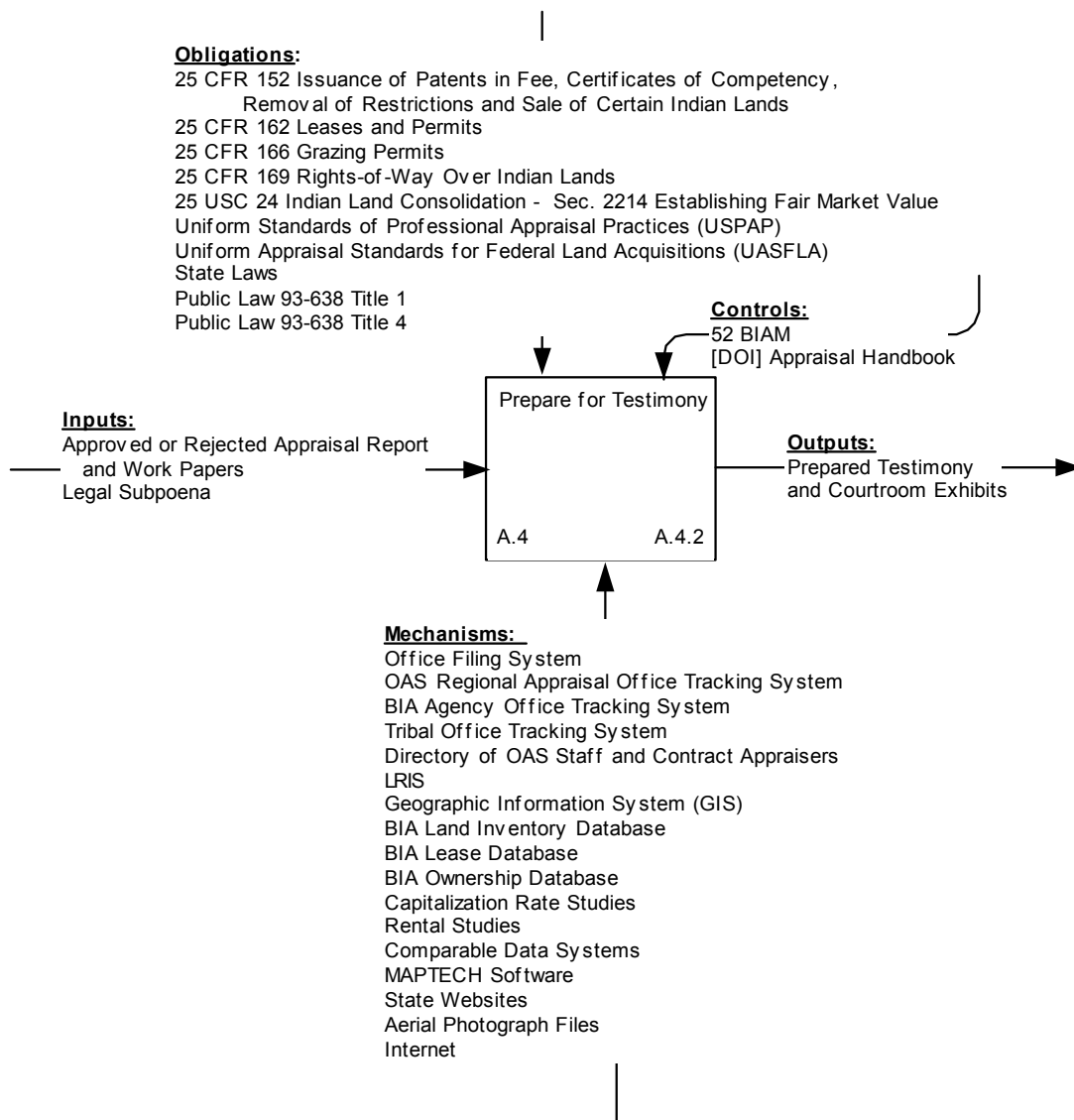


Figure 4.3.4- 17 Prepare for Testimony IDEF (0)



Provide Testimony (A.4.3)

Starts with: Arrive in court.

Ends with: Deliver expert testimony.

The appraiser provides expert testimony and exhibits, usually in a federal district court.

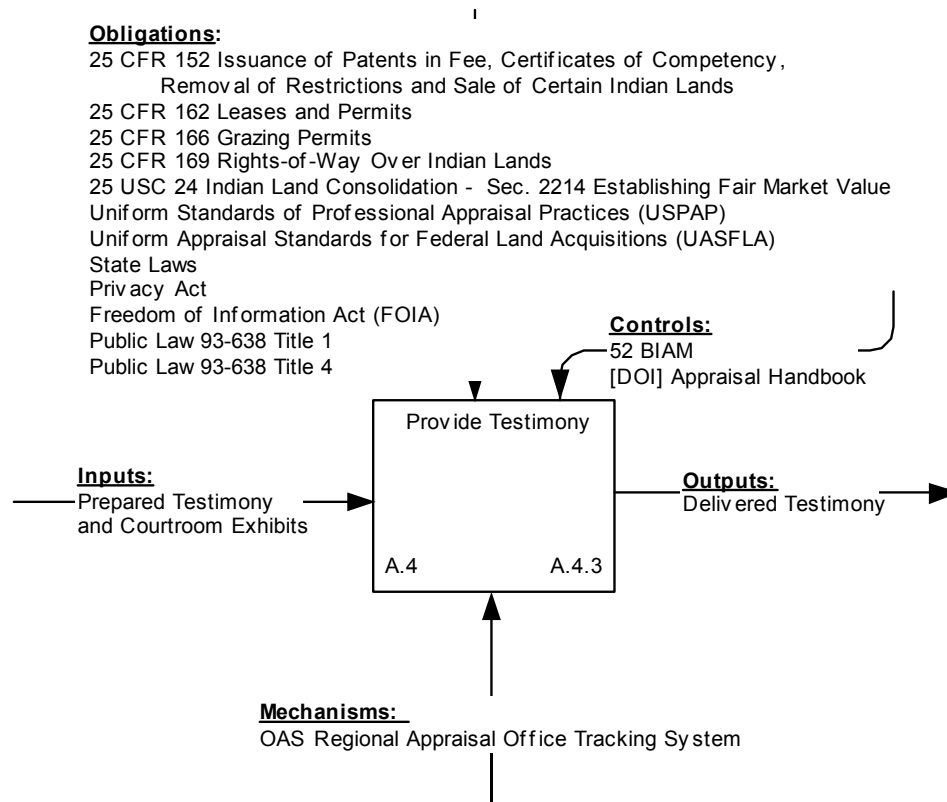


Figure 4.3.4- 18 Provide Testimony IDEF (0)



4.3.4.6 Transmit and File Appraisal Report (A.5)

Starts with: Deliver appraisal report to the BIA or a Compacted/Contracted Tribe.

Ends with: File appraisal report.

The approved, conditionally approved or rejected appraisal report is transmitted to the BIA Agency Superintendent or Compacted/Contracted Tribal Realty Official. If the appraisal was contracted, a review statement is also transmitted.

All work files are retained and filed, although the storage location varies from region to region.

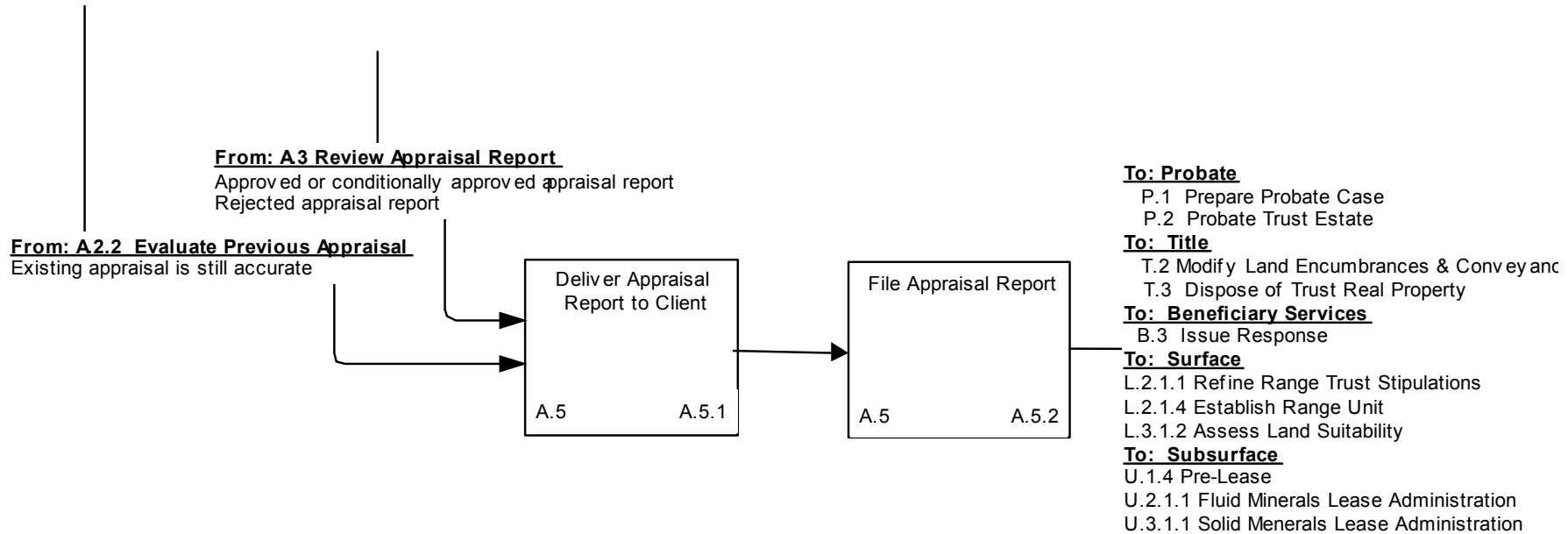


Figure 4.3.4- 19 Transmit and File Appraisal Report IDEF (3)



Beneficiary Involvement for Transmit and File Appraisal Report

The appraisal report is held in confidence at the BIA Agency Office, Compacted/Contracted Tribal Office or Regional Appraisal Office. The beneficiary/landowner can obtain information from the Agency Superintendent or a Realty Official.

Transmit and File Appraisal Report Significant Notes

- a) If the business transaction associated with the appraisal has not been completed, some information on the appraisal report, such as the value of the land, does not have to be disclosed per the Freedom of Information Act. If information will be withheld, OST/OAS requires a concurrence statement from the Solicitor's Office. The requestor has the right to appeal the decision to withhold information.

Transmit and File Appraisal Report Detail Description

Deliver Appraisal Report to the Client (A.5.1)

Starts with: Determine that an appraisal report is ready to be transmitted to the client.

Ends with: Deliver appraisal report to the client.

The reviewed appraisal report is transmitted to the requesting BIA Agency Superintendent or the Tribal Realty Official. If the appraisal was contracted, a review statement is transmitted as well.

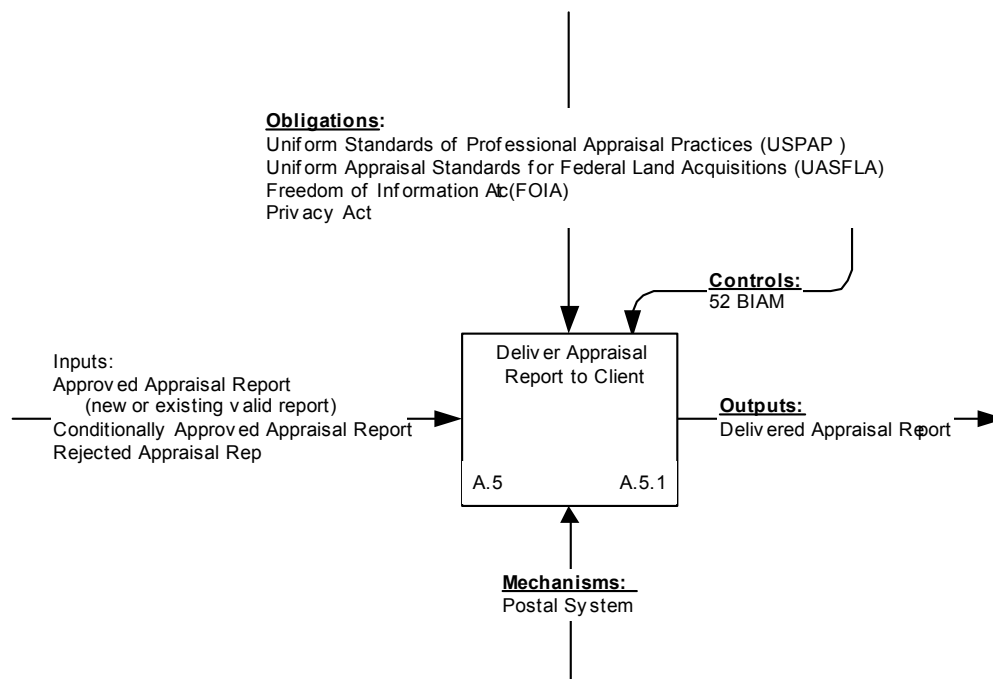


Figure 4.3.4- 20 Deliver Appraisal Report to the BIA IDEF (0)



File Appraisal Report (A.5.2)

Starts with: Transmit appraisal report to the client.

Ends with: File appraisal report and work papers.

All appraisal work files are retained and filed in a BIA Agency Office, a Compacted/Contracted Tribal Office, or an OST/OAS Regional Appraisal Office. Contractors are required to deliver their work papers and summary statements to the OST/OAS Regional Appraiser, although adherence is minimal.

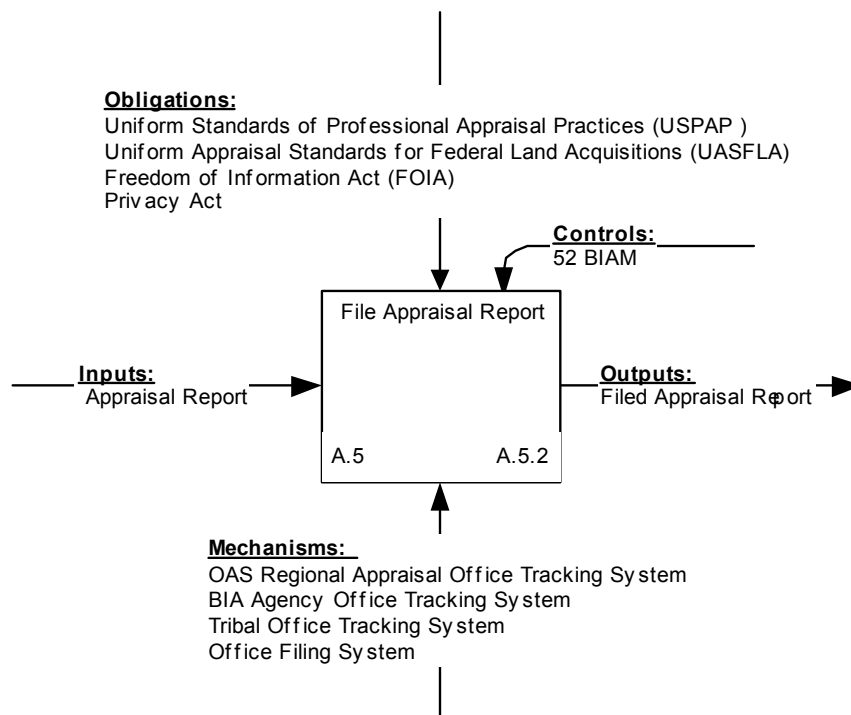


Figure 4.3.4- 21 File Appraisal Report IDEF (0)



4.3.4.7 Appraisal Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.4- 1 Great Plains Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Flandreau Santee Sioux OST/OAS Great Plains Regional Appraisal Office	Role	Tribal Office Staff submit appraisal requests directly to the OST/OAS Regional Appraisal Office rather than an Agency or Realty Office because Flandreau Santee Sioux is a field station not attached to any agency.	Procedural	Minimal	Low	Minor
Great Plains Region	Role	BIA Agency Office Staff receive a request for appraisal of agricultural or range land with an undivided ownership interest, but do not forward the request to the Regional Appraiser. For these requests, a Realty staff person inputs the allotment information and owner identification into the Management Accounting Distribution (MAD) system. MAD accesses ownership and lease information from its databases, calculates owner's land value based on the comparables	Procedural	This practice speeds up the appraisal process significantly, thus turning out more appraisal reports annually and minimizing any backlog. This process works well in regions that are primarily agricultural or range land.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		and market values input to the system by the Regional Appraiser and produces the appraisal report. When the appraisal report is complete, a Realty staff person reviews the report to verify the factual data is accurate, and the Agency Superintendent approves the appraisal for BIA use.				
Great Plains Region	Role	<p>OST/OAS Regional Appraiser inputs and updates the appraisal factors (market rents, cap rates, land productivity, etc.) in the Management Accounting Distribution (MAD) system. Updates are made for each Agency in the region at least annually. No technical reviews are required for MAD appraisals.</p> <p>The Regional Appraiser transfers the majority of the Regional Office appraisal budget to the BIA Agencies.</p>	Procedural	<p>Per USPAP, the Regional Appraiser must write and sign an Agency Report indicating the appraisal factors have been tested and the resulting owner values are credible.</p> <p>The appraisal review process employed in the Regional Office expedites this function and still meets USPAP requirements.</p> <p>The budget transfer is made so that the Agencies can pay staff or contractors to do appraisals rather than the Regional Appraisal Office hiring Staff appraisers.</p>	High	Medium
Great Plains Region	Control	Annual Updates to MAD.	Procedural	Updates are necessary for	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				compliance with USPAP Standards.		
Great Plains Region	Mechanism	Management Accounting Distribution (MAD) system.	Procedural	The system includes automated valuation method (AVM) technology. MAD accesses ownership and lease information from its databases, calculates owner's land value and produces the appraisal report. MAD system is being enhanced to include more site-specific information in order to produce appraisals in compliance with new regulations, such as ILCA.	High	Medium

Table 4.3.4- 2 Midwest Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Role	OST/OAS Staff or Compacted/Contracted Tribal Appraisers perform timber cruises.	Procedural	Normally, this is a function of BIA Forestry. Frequently, waiting for a timber cruise in this region slows down the appraisal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				process; thus, the appraiser completes the cruise him/herself.		
Midwest Region	Role	The Regional Appraisal Office frequently does a self-contained mass appraisal and spins off restricted use reports from that mass appraisal.	Procedural	This appraisal approach expedites the process for this region because of the land use types found here.	Medium	Minor

Table 4.3.4- 3 Eastern Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.4- 4 Alaska Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Process Description	If an existing appraisal is less than one year old, Realty Officials can assume the appraisal is still valid. If the existing appraisal is more than one year old, but a site inspection is not	Procedural	This policy expedites the appraisal process and gives Realty Officials clear guidelines on when to request a new appraisal report. In most regions, the	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		required, the Regional Appraiser assigns the request to an appraiser to update the existing report.		guidelines are not this clear; therefore, Realty generates more requests than might actually be required.		
Alaska Region	Process Description	Site inspections are completed only during the summer months due to weather, safety, and snow cover concerns. Reports are written during the winter months with the goal of completing outstanding reports by the end of February.	Procedural	If a request is made just before snow falls and a site visit is required, the appraisal may not be conducted until the following summer. This means a request can be backlogged up to 12 months.	Medium	Major
Alaska Region	Role	These regional appraisers also do sand and gravel valuations.	Procedural	This work contributes to the backlog of requests in the region and is outside the scope of OST/OAS in all other regions. In other regions, BLM geologists with the appropriate subject matter expertise complete the valuation.	High	Minor
Alaska Region	Control	Additional required training/certification for appraisers: a) Flight safety (provided by the Office of Aircraft Services)	Procedural	These requirements add to the difficulty in hiring qualified staff. Also requires additional budget to cover training and equipment.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		b) Firearms safety c) Bear safety d) CPR and first aid certification e) Firearms certification (appraisers are required to carry a weapon in the field)				

Table 4.3.4- 5 Northwest Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.4- 6 Eastern Oklahoma Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chickasaw Nation of Oklahoma Alabama-Quassarte Creek Nation Thlopthlocco Tribal Town Muscogee Nation of Oklahoma	Obligation	1947 Act – Law governing the 5 Civilized Tribes. Whenever any restricted Indian land is offered for sale, the Secretary of the Interior has a preference to purchase at a fair valuation fixed by an appraised value satisfactory	25CFR 502 Purchase of Restricted Indian Lands; Preference to Secretary of	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Delaware Tribe of Oklahoma United Keetoowah Cherokee Indians Cherokee Nation of Oklahoma Delaware Tribe of Kansas Choctaw nation of Oklahoma Seminole Nation of Oklahoma		to the Indian owner or owners.	the Interior; Waiver of Preference			
Eastern Oklahoma Regional Appraisal Office	Role Location	The Solicitor's Office may also request an appraisal. Such requests are most frequently faxed directly to a staff appraiser, requiring a written report within 10 days.	Procedural	These requests fall outside the baseline appraisal process and request submittal requirements as defined by OST/OAS Regional Appraisers. These requests cause significant disruption to the appraisal work schedule.	Medium	Minor

Table 4.3.4- 7 Southern Plains Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						



Table 4.3.4- 8 Rocky Mountain Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Role	Compacted/Contracted Tribes in this region must submit their requests through the BIA Agency Superintendent or Realty Official for his/her approval.	Procedural	No other Regional Office has this requirement. The step adds to the Regional Appraisal Office paperwork, but also allows the Regional Appraisal Office to forecast review workload.	Medium	Minor
Wind River Joint Tribal	Obligation	Wind River has a zoning ordinance designating all land as residential use and agriculture as the interim use.	Tribal Law	This zoning ordinance affects the appraiser's "highest and best use" value applied in the appraised value calculation.	Low	Major
OST/OAS Rocky Mountain Regional Appraisal Office	Mechanism	Uniform Agriculture and Uniform Residential Appraisal Report Templates: Report template software and support from Bradford Technology that conforms to USPAP standards.	Procedural	These templates facilitate time-consuming report writing and commonize report formatting.	Medium	Minor



Table 4.3.4- 9 Navajo Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Agency Offices OST/OAS Navajo Regional Appraisal Office	Role	There are no Agency Superintendents in this Region. There are 2 Regional Realty Officials – 1 in the Window Rock Regional Office and 1 in the Eastern Agency located in Crowne Point. Realty Specialists at the Ft. Defiance, Chinle and Shiprock Agencies and in the Western Agency located in Tuba City have the authority to approve requests.	Procedural	This does not impact the appraisal process significantly since another BIA staff person has been designated to fill the Superintendent's role in the baseline.	Low	Major
Navajo Nation	Input	Instead of requiring a Tribal resolution to be passed before a business transaction can be initiated, the business transaction packet containing an approved appraisal report is submitted to a committee for approval after all the documentation is pulled together.	Tribal Law	The approval process can slow the transaction down so that funding is no longer available and the transaction cannot be completed. It should be noted that this variation slows completion of the business transaction that the appraisal supports more significantly than it affects the appraisal process itself.	High	Major
Navajo Nation	Obligation	The Tribe is governed by 26 statutes with oversight and approval administered by 11	Navajo Code	Often, the administrative and approval tasks are redundant with BIA or OST/OAS tasks. This can	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		standing committees.		slow closure of a transaction.		
Navajo Nation	Obligation	Title 16 gives the Navajo Nation Resource Committee authority to approve rights of way and easements. Tribal committee approval of the transaction packet (including the appraisal) is required.	Tribal Code Title 16	This variation slows completion of the business transaction associated with the appraisal.	Low	Major
Navajo Nation	Obligation	Title 2 provides general references to Tribal authority for each of 11 standing committees.	Tribal Code Title 2	Tribal committee approval of transaction packet (including appraisal) is required.	Medium	Major

Table 4.3.4- 10 Southwest Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Organization	The pueblos in this region fund many Tribal programs and departments with gaming revenues and oil/gas royalties.	Tribal Law	These pueblos do not usually ask for appraisal services; instead the pueblos hire their own contractors and do not require BIA approval/review of appraisals to complete business transactions. This	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				frees up OST/OAS Regional Appraisal budget and staff to service other requests.		

Table 4.3.4- 11 Western Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Salt River Pima-Maricopa Indian Community Salt River Agency	Role Location	As a courtesy, Salt River sends a copy of all appraisal requests to the Salt River Agency Superintendent. As a courtesy, OST/OAS sends a copy of all reviewed Salt River Pima-Maricopa Indian community appraisal reports to the Salt River Agency Superintendent.	Procedural	This additional communication keeps all parties involved in a business transaction appraised of pertinent information affecting the transaction.	Medium	Minor

Table 4.3.4- 12 Pacific Region Appraisal Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Pacific Region	Process Description	This region does not provide consultation services.	Procedural	There is no advantage in providing consultation	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Role			services rather than producing an appraisal report. Either service would be contracted for a fee.		
Pacific Region	Role	Most appraisal work is contracted in this region rather than performed by OST/OAS staff. The Regional Appraiser personally performs the entire review process.	Procedural	This staffing approach is unique to this region, but appears to work well here where the land base is primarily small tracts used for homesites.	Medium	Minor



4.3.5 Surface Asset Management (L)

4.3.5.1 Surface Asset Management Summary Process Description

The scope of the Surface Asset Management process encompasses all forms of land management and utilization that do not require extractive activity. Due to its broad scope and complexity, Surface Asset Management has been divided into major types of resource use to enhance comprehension of the specific functions and activities of each segment. The major components are as follows:

Surface Asset Management				
Forestry	Range	Long-Term Leasing	Agricultural Leasing	Water Management

This section of Chapter 4 presents process information following the same segmentation.

Surface Asset Management Objectives

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to Surface Asset Management are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries

Objective 1.1 Beneficiary Statements

Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.3 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.

c) Strategic Goal 3 - Land and Natural Resource Assets

Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.

Objective 3.1 Land and Natural Resource Asset Plans and Stewardship Strategies

Develop land and natural resource asset plans and stewardship strategies.



Objective 3.2 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 beneficiary's intended use of the assets.

Objective 3.3 Land and Natural Resource Asset Business Management

Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries, as required, and to incorporate beneficiary requirements.

d) Strategic Goal 4 - Trust Fund Assets

Manage trust fund assets consistently with legal and fiduciary responsibilities ensuring timely and productive use of the assets.

Objective 4.2 Collection, Disbursement, and Accounting of Funds

Collect, disburse, and account for funds associated with trust assets accurately and on a timely basis.

e) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.

Objective 6.2 Accounting

Develop and maintain accounting activities that are user friendly, integrated, provide necessary functionality, and contain appropriate interfaces to support effective and efficient trust management.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.5.2 Forest Management (L.1)

The overall process starts with: Compile forest management planning supporting documentation.
It ends with: Monitor compliance of forest management plans and contracts, or close forest product contracts.

The Forest Management process for the Indian Trust involves four major components. The first of these components involves the development of a forest management strategy. The others focus on smaller areas of forested acres and forest stands. (Forest stands are generally large contiguous groups of trees of a similar species, age and composition). These final three components relate to managing forest stand utilization, contracting forest stand use (timber sales), and managing forest compliance (in connection with planned activities and contract terms).

Forest management focuses on large forests primarily on Tribal lands. For large forests in the Trust, BIA and the Tribes (with affected beneficiary involvement) develop overall forest management strategies, which result in Forest Management Plans. These plans involve significant collaboration with regulatory and/or historic preservation agencies, BIA staff and the Tribes, and can take up to 10 years to develop. In certain cases, regulatory agency approval alone has held up the process for years, making it difficult to proceed with other forest development activities.

Once an overall Forest Management Plan is in place and approved by DOI, the focus shifts to the utilization of forest stands within those forests. There are three primary activities that are conducted at the stand level in order to manage their utilization in ways that meet the needs of Tribes and individual beneficiaries: 1) Stands can be harvested for forest product revenues, 2) Stands can be selected for forest development, which involves appropriate thinning and planting of stands, 3) Finally, a significant forest management concern relates to forest stand protection, both in terms of pest control and forest fuels reduction or wildfire prevention.

For stands that have significant timber value, BIA and Tribes work together to set up contracts for forest product sales. Sales may include cutting timber for cords of wood, lumber, posts, Christmas trees, and pulp wood, among other things. Timber sales are one of the top revenue producers for the Indian Trust.

Finally, a significant forest management concern relates to forest stand protection, in terms of pest control, forest trespass, and forest fuels reduction/wildfire prevention. Monitoring occurs for compliance with Forest Management Plans, stand use plans and timber sale contract terms. Forest management on Indian Trust lands is a continuous process, and involves close collaboration between BIA and Tribal foresters.

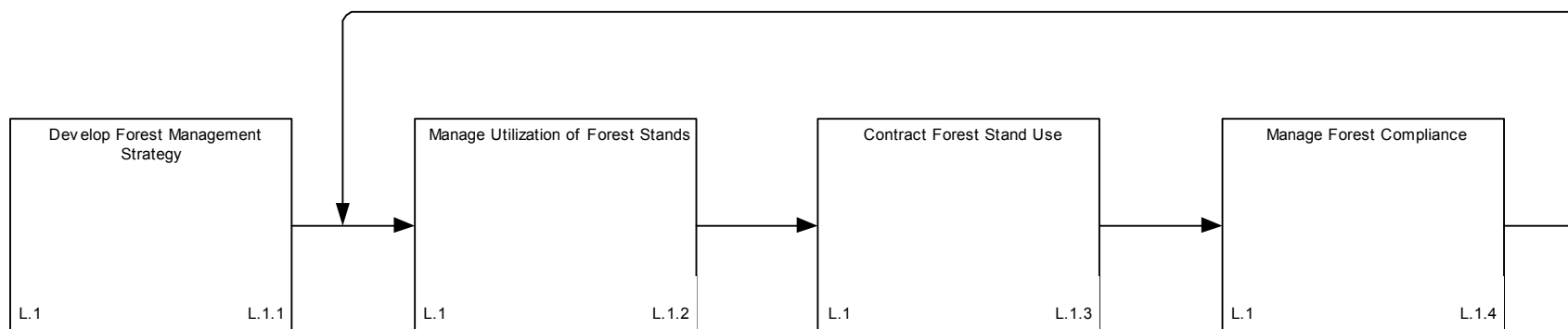


Figure 4.3.5.2- 1 Forest Management High Level Diagram



4.3.5.2.1 Develop Forest Management Strategy (L.1.1)

Starts with: Compile forest management planning supporting documentation.
Ends with: Gain DOI approval of a Forest Management Plan.

Developing forest management strategies focuses on the creation of Forest Management Plans. Development of the Forest Management Plan must begin prior to the expiration of the current Plan, if possible. Significant documentation must be compiled to support the analysis and recommendations contained in these plans. Tribal input is a critical element in the gathering of data and helping to drive the formation of the Forest Management Plan. Supporting documentation must be obtained from within BIA and from multiple DOI bureaus or other agencies, including EPA, U.S. Army Corps of Engineers, National Marine Fisheries Service, U.S. Forest Service, the BLM, U.S. Park Service, historic preservation groups within the Tribe and historic preservation offices at the state or national levels. In addition to this information gathering, many of these regulatory agencies, historic preservation groups and Tribal committees must also provide concurrence or approvals related to the Forest Management Plan. The expanding requirement for regulatory agency opinions has burdened the process for development of Forest Management Plans. The Endangered Species Act in particular has placed demands on the process (for surveys of forested lands), which further elongate and complicate the forest planning process.

Once all supporting documentation has been created or compiled, forest use alternatives are derived and developed. After analysis and collaboration between government agencies, the Tribe on whose land the plan will be executed, and the individual beneficiaries who own interests in forest land, one alternative is selected and it becomes the Preferred Alternative for the Forest Management Plan. The Tribe selects the forest use alternative. After the Preferred Alternative with its associated outputs is clearly articulated, the draft Forest Management Plan is presented officially to the Tribe for consent on behalf of the Tribe. The Tribally-approved Forest Management Plan is then forwarded to the designated DOI Line Official for signature.

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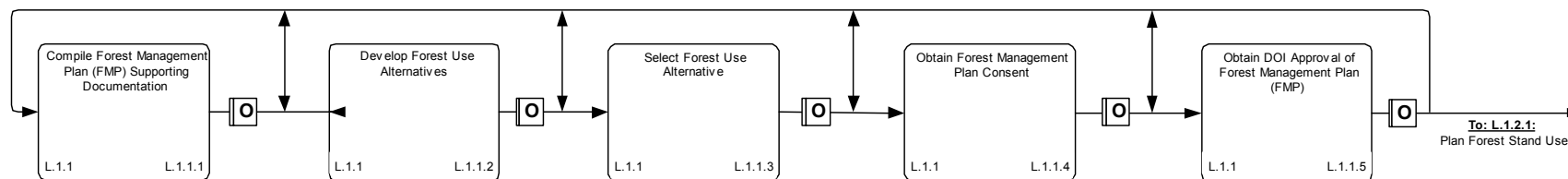


Figure 4.3.5.2- 2 Develop Forest Management Strategy IDEF(3)



Beneficiary Involvement for Develop Forest Management Strategy

Tribes provide significant input and resources into the development of Forest Management Plans. Tribal input is a critical element in the gathering of data, and obtaining Tribal historical preservation and other concurrence and approvals. Formal and informal scoping of the Forest Management Plan generally takes place throughout the process. Tribes then select the Forest Management Plan Preferred Alternative, and are responsible for obtaining Forest Management Plan consent officially from the Tribal governing body, which is usually a prerequisite to DOI approval. By definition, the forest management strategy documented in the Forest Management Plan is designed to “meet the objectives of the Tribe.”

Develop Forest Management Strategy Significant Notes

- a) Forest Management Plans generally equate to a 10-year strategic plan for a particular forest. The development effort associated with Forest Management Plans is extensive, and an average development cycle can be seven to ten years. The most time-consuming phase of the cycle is the compilation of supporting documentation.
- b) Gaining collaboration and approvals of regulatory agencies such as the EPA or the National Marine Fisheries Service dramatically extend the duration of the effort.



Develop Forest Management Strategy Detail Description

Compile Forest Management Plan Supporting Documents (L.1.1.1)

Starts with: Initiate forest management planning and strategy development prior to the expiration of an existing Forest Management Plan.

Ends with: Complete a consolidated asset strategy for an entire forest.

Prior to the expiration of the current Forest Management Plan, the development of a new forest management strategy is initiated. The Continuous Forest Inventory data and analysis, and all other appropriate input, is collected. BIA and Tribal forestry program staff work closely together with other environmental and regulatory agencies to develop all needed documentation. Such documentation includes environmental assessments, historical use, cultural assessments, integrated or individual resource management plans (comprising total land resources beyond timber), remote sensing data (like aerial photography), and beneficiary requirements and needs. The process is completed when all necessary supporting data has been updated, created, and collected.

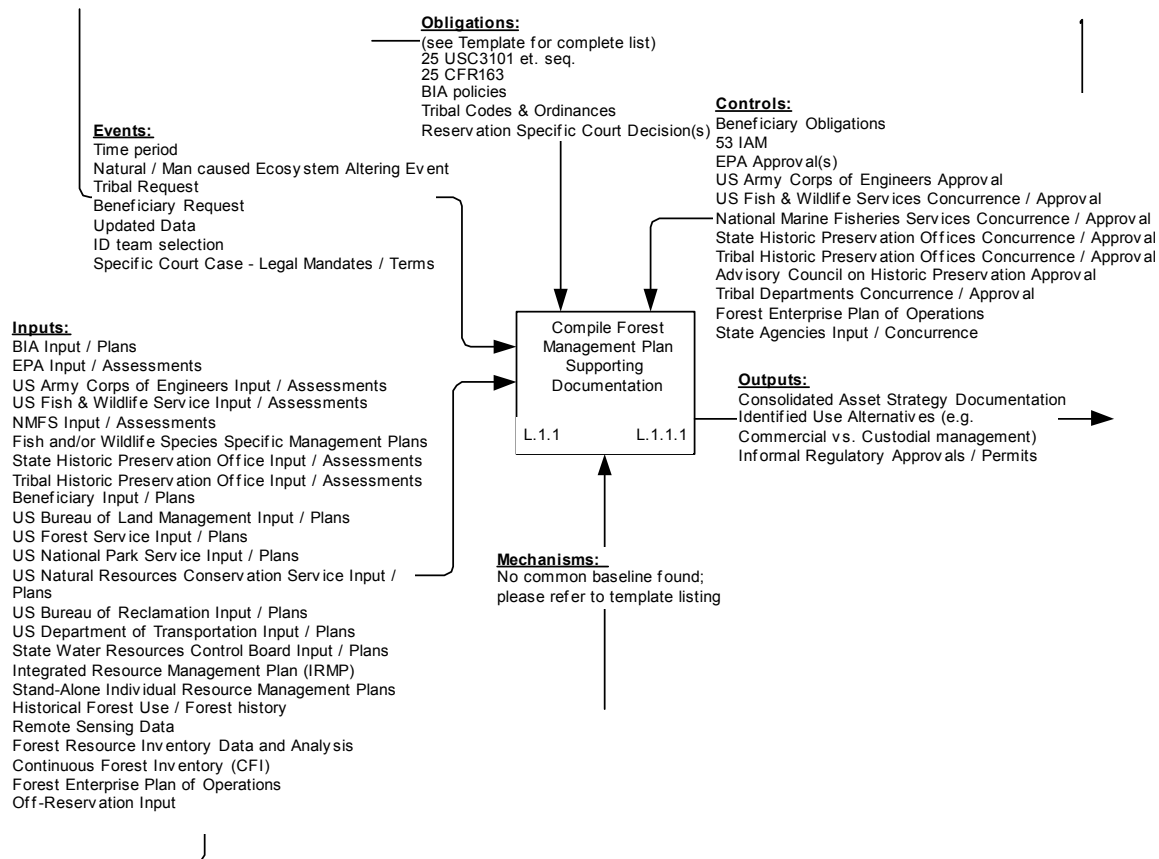


Figure 4.3.5.2- 3 Compile Forest Mgmt Plan Supporting Docs IDEF(0)



Develop Forest Use Alternatives (L.1.1.2)

Starts with: Evaluate identified forest use alternatives and the consolidated asset strategy.
Ends with: Establish multiple forest use alternatives for Tribal review.

Substantial supporting documentation must be evaluated in order to develop several alternatives for forest use. In addition to core land status data, BIA forest program staff and Tribal staff collaborate with the U.S. Forest Service, Bureau of Land Management, U.S. National Park Service, U.S. Department of Transportation, and the Bureau of Reclamation for relevant input or assessments. Regulatory agencies also provide opinions and concurrence on plans. Input is solicited from land-owners as to the preferred outputs regarding the defined alternatives. A description of each alternative and the outputs to be produced for each alternative are developed, and then each is assessed for National Environmental Protection Act compliance. The process concludes when land use alternatives have been described in adequate detail for interested party selection.

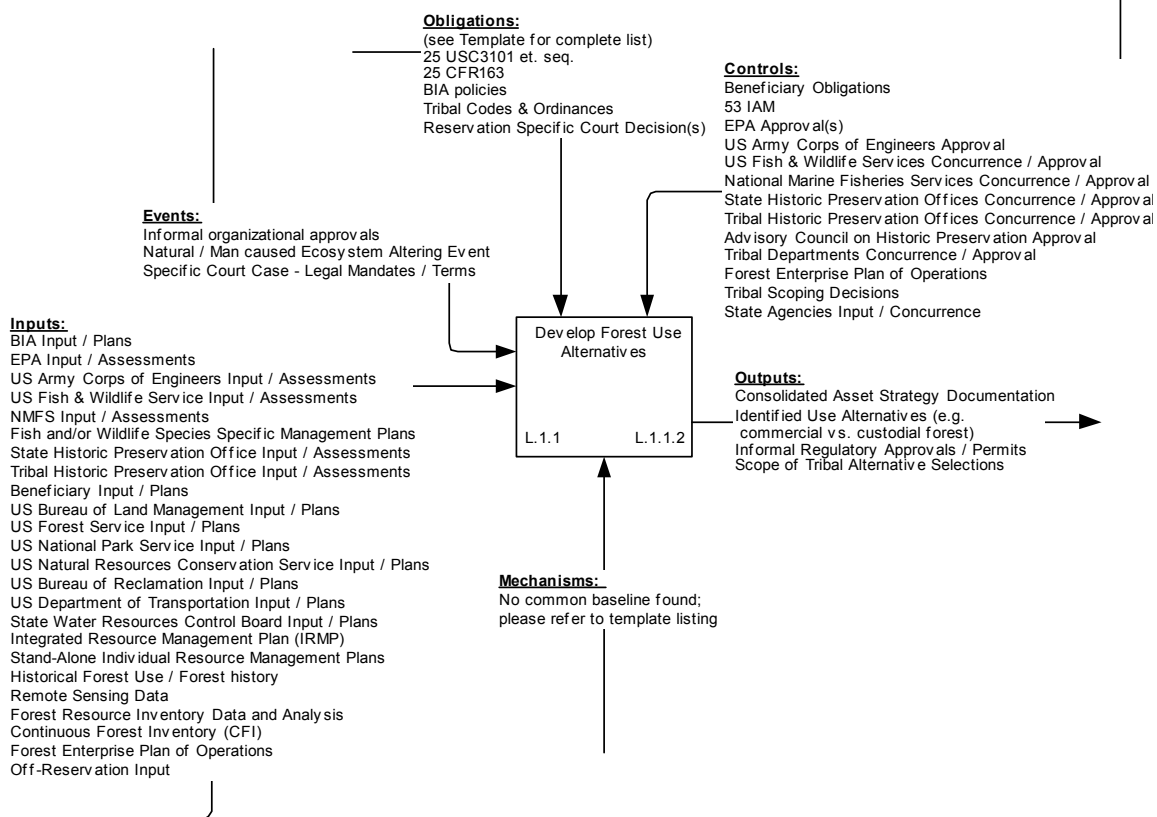


Figure 4.3.5.2- 4 Develop Forest Use Alternatives IDEF(0)

Select Forest Use Alternatives (L.1.1.3)

Starts with: Review existing forest management planning defined alternatives
Ends with: Select a forest use alternative.

When all documentation and input has been obtained and several different forest use alternatives have been developed for Tribal review, BIA submits those alternatives to the affected Tribe for review and discussion. Scoping meetings are conducted regarding the merits and issues of each concept of forest use, and the Tribe evaluates each alternative based on Tribal priorities (e.g., custodial land protection or commercial development), with input from individual Beneficiaries who own interests in forested lands. The Preferred Alternative must meet all statutory and regulatory requirements. In addition, due consideration for environmental constraints must be afforded. Finally, the Tribe selects a “Preferred Alternative” to be presented to the Tribal governing body for approval or rejection and reconsideration of other alternatives.

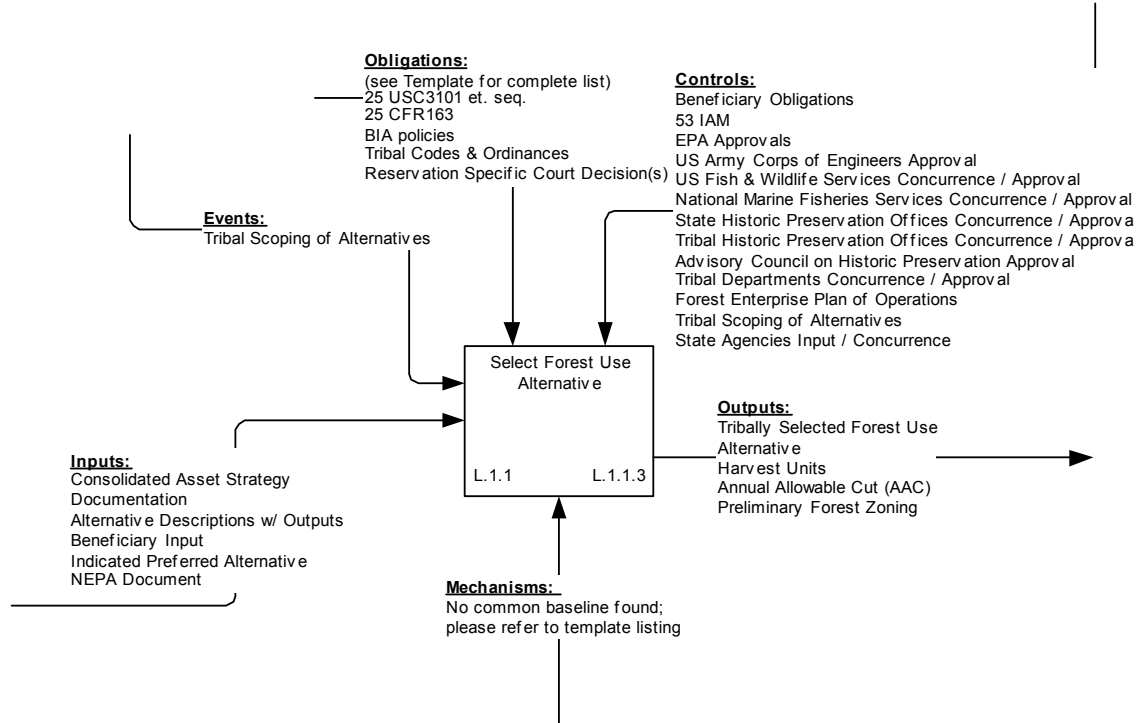


Figure 4.3.5.2- 5 Select Forest Use Alternative IDEF(0)

Obtain Forest Management Plan Consent (L.1.1.4)

Starts with: Submit a Draft Forest Development Plan, detailing the Tribe's Preferred Alternative, to the Tribal governing body.

Ends with: Consent to the Forest Management Plan.

The Tribal governing body convenes to review the Draft Forest Management Plan (FMP), with a Tribally-approved Preferred Alternative. Prior to the meeting to obtain official consent, multiple scoping meetings may occur to review and respond to questions from the Tribe regarding specifics of the Preferred Alternative previously selected. Finally, the Draft Forest Management Plan is presented to the Tribe to provide an opportunity for final comments prior to providing their approval. The process ends when the Tribe provides their official approval. This consent is almost always documented in the form of a Tribal Resolution, which is normally forwarded along with the Tribally-approved Forest Management Plan for DOI signature.

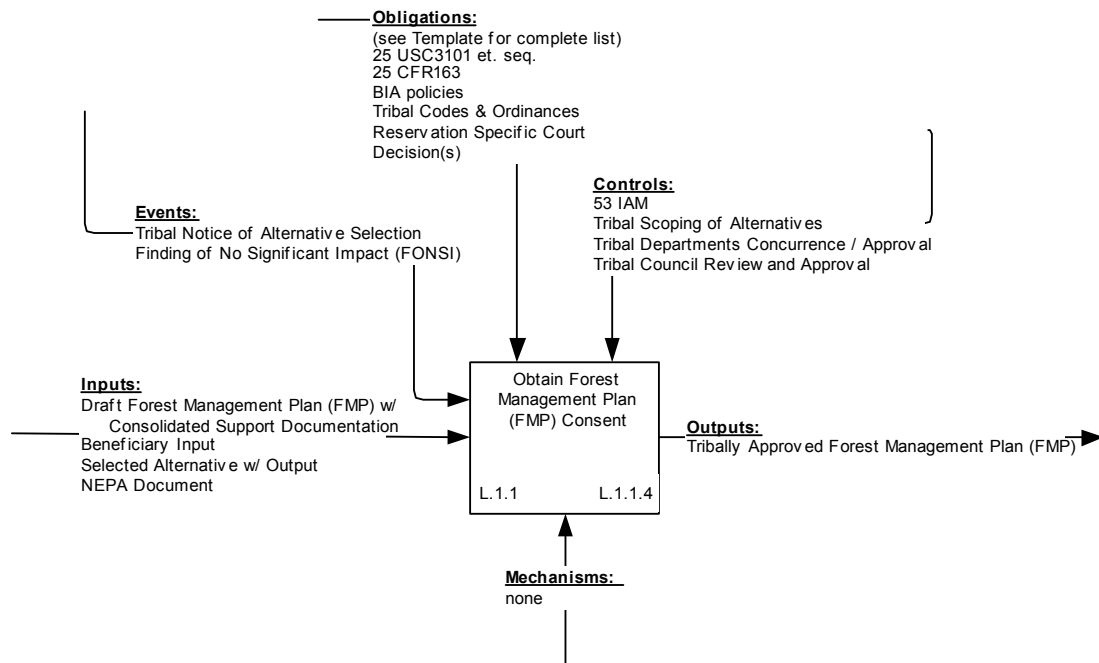


Figure 4.3.5.2- 6 Obtain Forest Management Plan Consent IDEF(0)



Obtain DOI Approval of Forest Management Plan (L.1.1.5)

Starts with: Forward the Tribally-approved Forest Management Plan to DOI for signatory approval of the delegated Line Official.

Ends with: Approve a Forest Management Plan by signing appropriate signature documents.

A Tribally approved Draft FMP is submitted to DOI for review and approval. The designated DOI Line Official reviews the draft plan to ensure it aligns with Trust responsibilities, complies with environmental regulations, protects historic property and meets known beneficiary needs. The Forest Management Plan development process is officially completed when the delegated DOI Line Official approves the FMP.

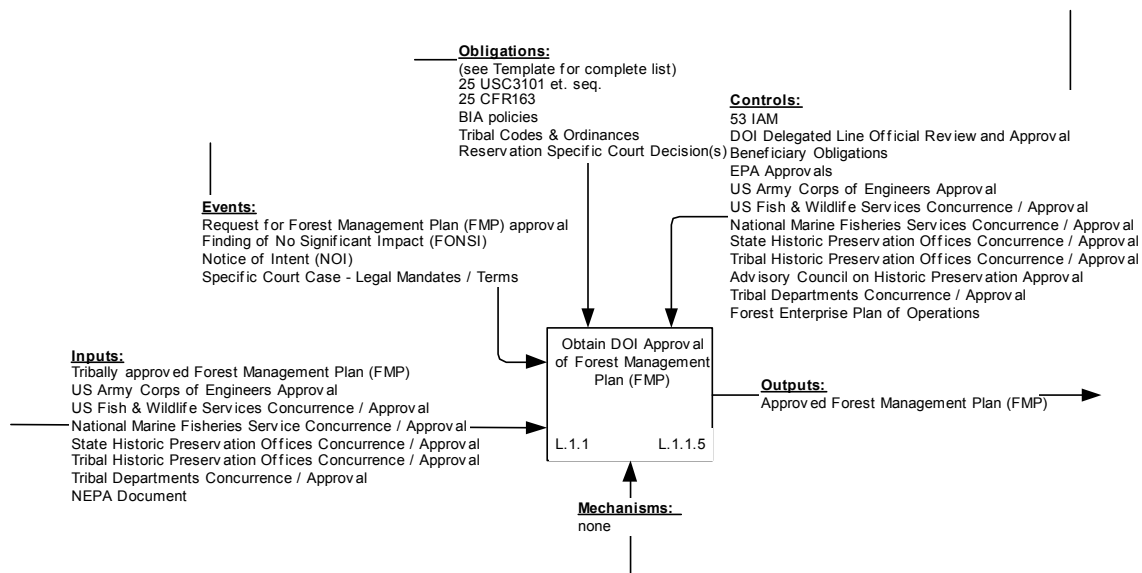


Figure 4.3.5.2- 7 Obtain DOI Approval of Forest Management Plan IDEF(0)



4.3.5.2.2 Manage Utilization of Forest Stands (L.1.2)

Starts with: Focus on forest stands to ensure highest and best use of Trust forest lands.

Ends with: Conduct forest protection, forest development or forest harvesting activities.

The second component of forest management shifts focus from large forests lands to the stands that compose them. Because those stands can provide significant revenue or have special cultural significance, utilization of the stands must be managed on a regular basis. This management includes planning forest stand use; evaluating stands for harvest (forest product sale), development or protection; obtaining consent for forest stand use; advertising and conducting bidding for forest products; performing forest development and/or protection activities, and monitoring forest stands not under contract. On Tribal lands, obtaining consent is less difficult. On heavily allotted lands with significant forest stands, obtaining consent can be burdensome.

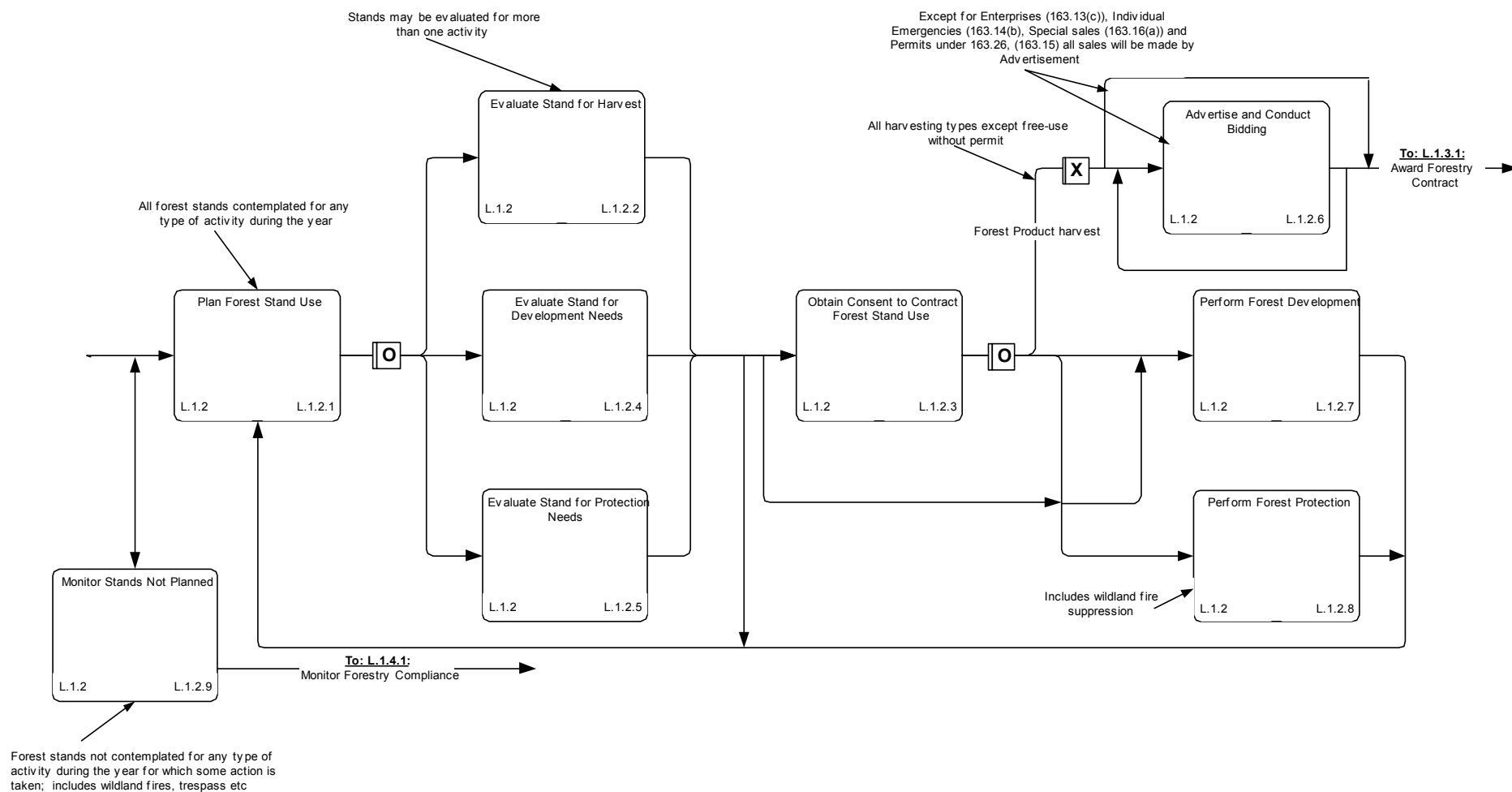


Figure 4.3.5.2- 8 Manage Utilization of Forest Stands IDEF(3)



Beneficiary Involvement for Manage Utilization of Forest Stands

Beneficiaries are encouraged to provide their input regarding utilization of forest stands on lands of which they are interest owners. Tribal governing bodies are often very involved in general planning for forest stand use and setting harvest schedules. Tribal foresters are often involved in evaluating stands for harvest, protection and/or development, and they also work with BIA foresters to perform these intended actions. Tribal and usually a majority of individual Trust ownership provide consent to any intended actions on their forested lands.

Manage Utilization of Forest Stands Significant Notes

- a) The greatest cost to the forest management program in many regions is associated with wildfire suppression. Forestry staff conducts controlled burns to remove the underbrush, which is a dangerous ladder fuel during a wildfire. National forestry policies and environmental protection pressures over the past half-century have had the unintended result of increasing the amount of dangerous fuels in the forest. Over this period, a significant decrease in controlled burns and aggressive suppression of all wildland fires has led to this condition. This fact has impacted most forests on Trust lands, making them susceptible to wildfires.
- b) New environmental protection laws (such as the Endangered Species Act) and regulatory agency approvals have placed ever-expanding requirements on Trust forestry programs without corresponding budget increases to cover the costs of all compliance activities.



Manage Utilization of Forest Stands Detail Description

Plan Forest Stand Use (L.1.2.1)

Starts with: Identify stands for potential use within the year.

Ends with: Complete plans for forest stand use.

After a forest-wide Forest Management Plan is approved, forestry program staff focuses on executing activities outlined in the plan, as well as selecting smaller forest stands for enhancement, protection or timber sale. A yearly planning process determines annual forest stand management workload. Natural or man-caused ecosystem events may also drive forest stand utilization requirements. Forest products appraisals may be done to indicate where timber may be harvested for forest product sales. Plans for forest stands may require regulatory concurrence or approvals, which are obtained prior to any activity on selected stands. The process is completed when specific stands are identified for evaluation during that year.

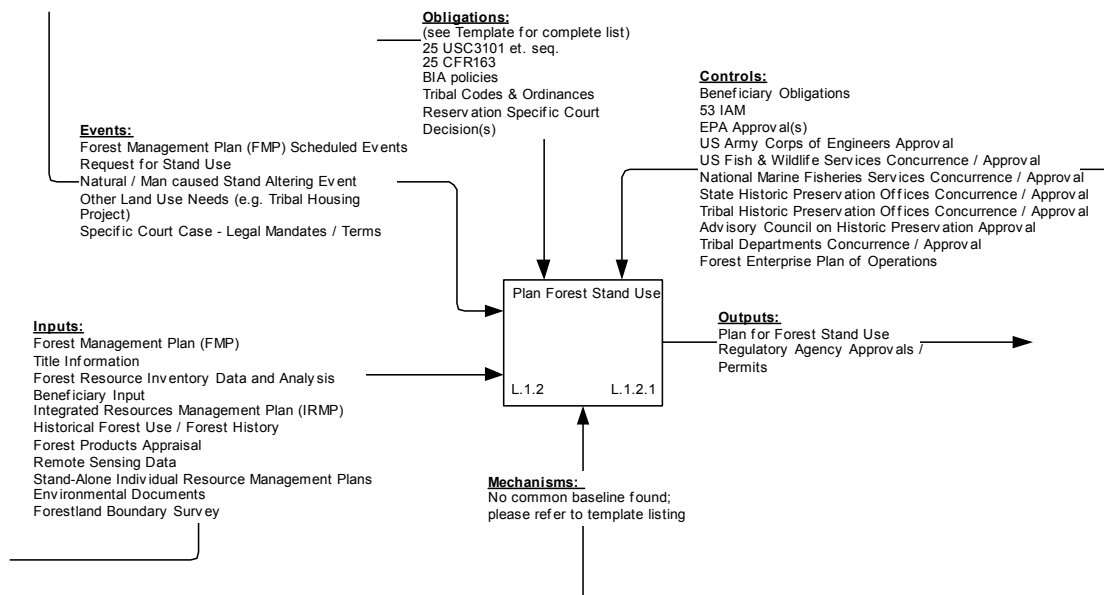


Figure 4.3.5.2- 9 Plan Forest Stand Use IDEF(0)

Evaluate Stand For Harvest (L.1.2.2)

Starts with: Determine forest asset availability for harvest.

Ends with: Select or reject a forest stand or group of stands for harvest.

After forest stand use planning has been conducted, individual stands are evaluated for harvest. When considering a forest products sale, availability includes confirmation that all aspects relevant to a contract (i.e., clear title, estimated volume/value of the timber, Rights of Way to access land assets, as well as harvest ability) are documented in a Forest Officer's Report (or its equivalent). Once completed, a draft of the contract or permit and the associated advertisement is prepared. The process ends in one of two ways. Either a draft contract or permit is completed with associated presale activities, (e.g., timber layout and environmental requirements) or a determination is made that the stand is not viable or not available for harvest.

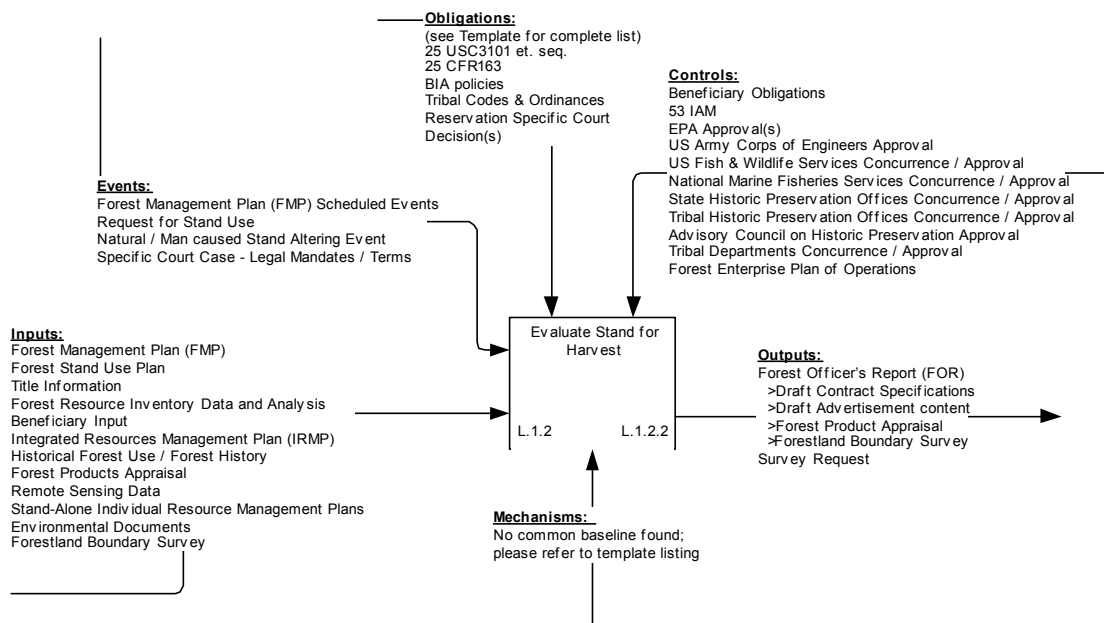


Figure 4.3.5.2- 10 Evaluate Stand For Harvest IDEF(0)

Obtain Consent to Contract Forest Stand Use (L.1.2.3)

Starts with: Complete forest stand use planning and stand evaluations.
Ends with: Process ends when either consent is received or denied.

This process usually begins with a request to the landowner(s) to approve the stand use proposed by BIA and/or the Tribe. Activities may include proposing timber for harvest, forest development (planting or thinning), and forest protection work (pest control or fuels reduction). Forest stands may actually be approved for multiple activities (for instance, a forest product sale and planting activities for forest development). This process ends when either consent is received or denied.

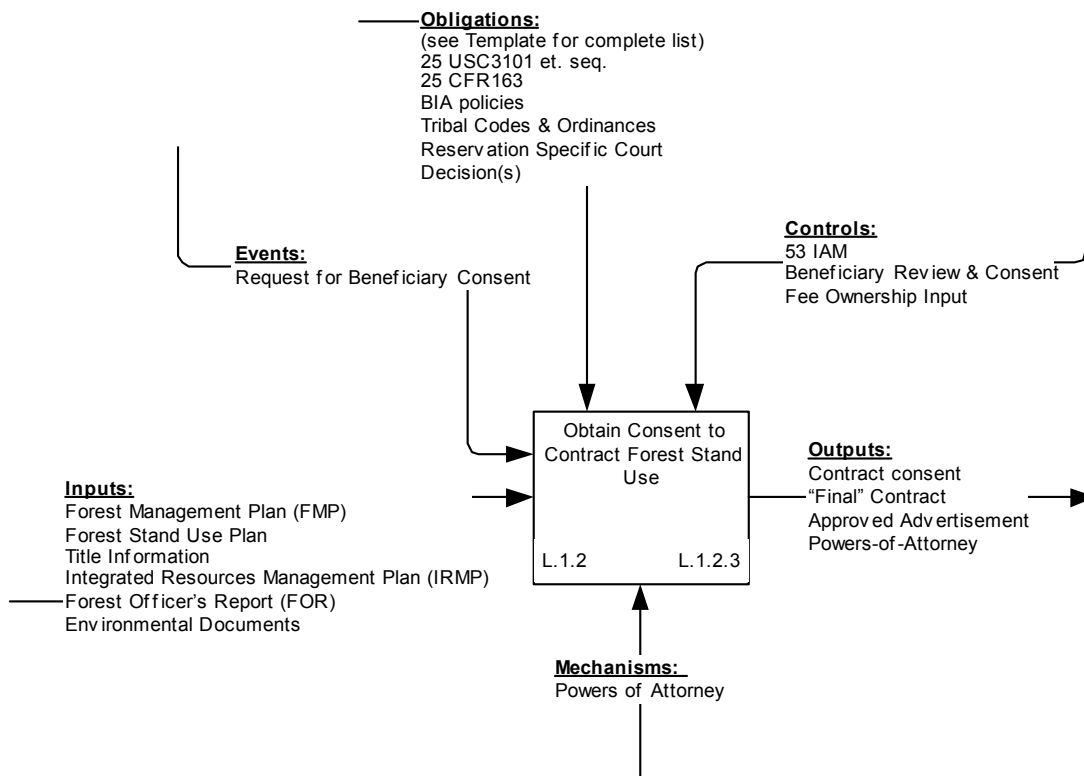


Figure 4.3.5.2- 11 Obtain Consent to Contract Forest Stand Use IDEF(0)

Evaluate Stand for Development Needs (L.1.2.4)

Starts with: Determine forest asset availability for development.

Ends with: Select or reject a forest stand or group of stands for development.

Forest stands are enhanced through either reforestation or forest thinning. Reforestation enhances the value of the land. Removal of over mature and unhealthy trees allows for the regeneration of new trees, while thinning redistributes the growth and enhances the value to the residual trees. The process ends when the stand is evaluated and determined to either qualify or not qualify as a viable forest development project.

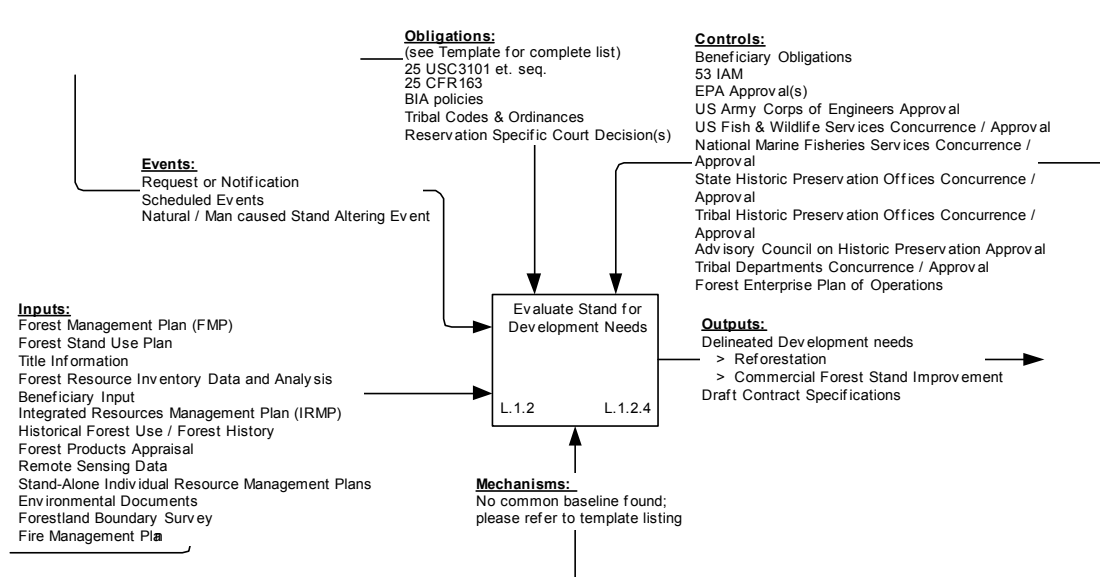


Figure 4.3.5.2- 12 Evaluate Stand for Development Needs IDEF(0)



Evaluate Stand for Protection Needs (L.1.2.5)

Starts with: Determine forest asset availability for protection.

Ends with: Select or reject a forest stand or group of stands for protection.

Evaluation of stands for protection activities begins when a stand is identified for evaluation for forest protection needs. Protection may include one or more protection activities. These activities focus on forest pest control, wildland fuels reduction, forest stand thinning to reduce the possibility of wildfires, etc. This process ends when the stand is evaluated and a determination is made as to whether it qualifies for forest protection as a viable project.

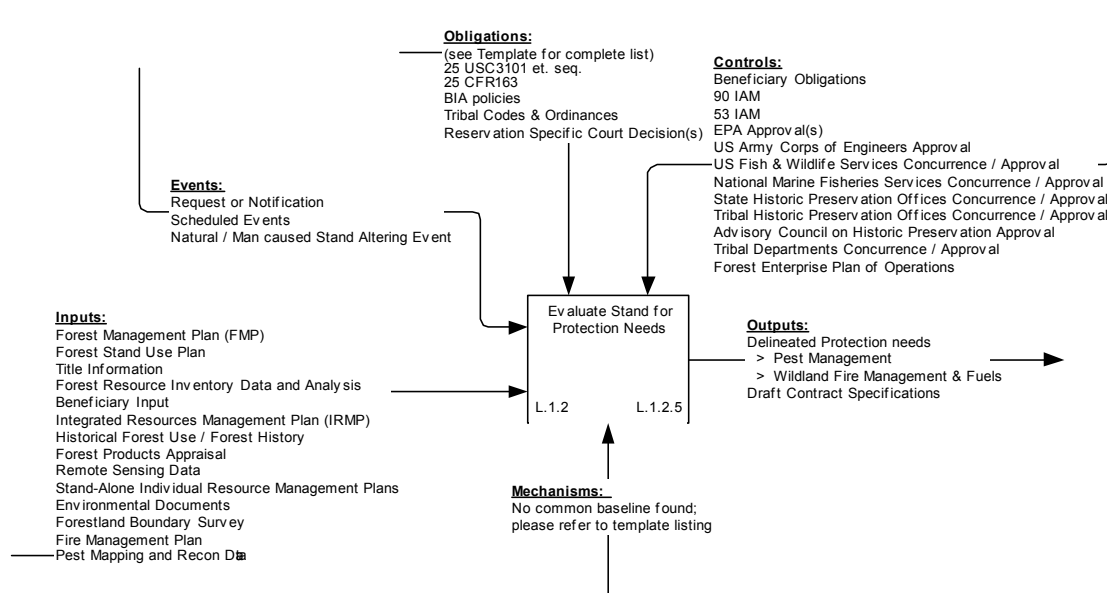


Figure 4.3.5.2- 13 Evaluate Stand for Protection Needs IDEF(0)

Advertise and Conduct Bidding (L.1.2.6)

Starts with: Obtain consent to advertise a forest products sale.

Ends with: Select a forest products contractor.

The process begins after the beneficiaries have authorized a forest product harvest. BIA forestry program staff develop a Forest Officer's Report indicating the appropriateness of the sale. Tribal enterprises may have a right to meet the high bid, or may be awarded contracts at the appraised or other approved rate. BIA and the Tribe determine the precise bidding process and then develop the advertisement for the bid of the sale. Occasionally it may be necessary to re-advertise the sale, if no bidders come forward. The process ends when a sale has been advertised and the high bidder has been selected and the sale is awarded to the Tribal Forest Enterprise. If no purchaser is selected, the forest product sale is reevaluated.

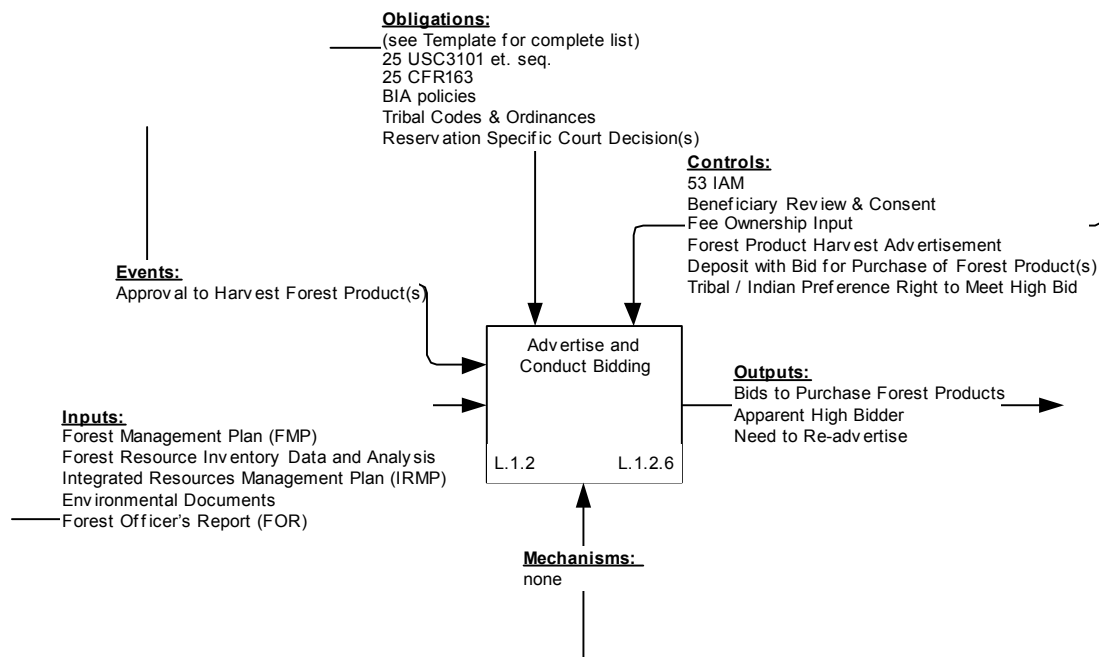


Figure 4.3.5.2- 14 Advertise and Conduct Bidding IDEF(0)

Perform Forest Development (L.1.2.7)

Starts with: Create specific schedule and engage forestry crews for forest development activities.
Ends with: Complete forest development activities.

Specific schedules are developed to accomplish forest development projects to enhance the value of forested lands. Forest development activities include reforestation and commercial stand thinning. This marks the completion of the forest development activities.

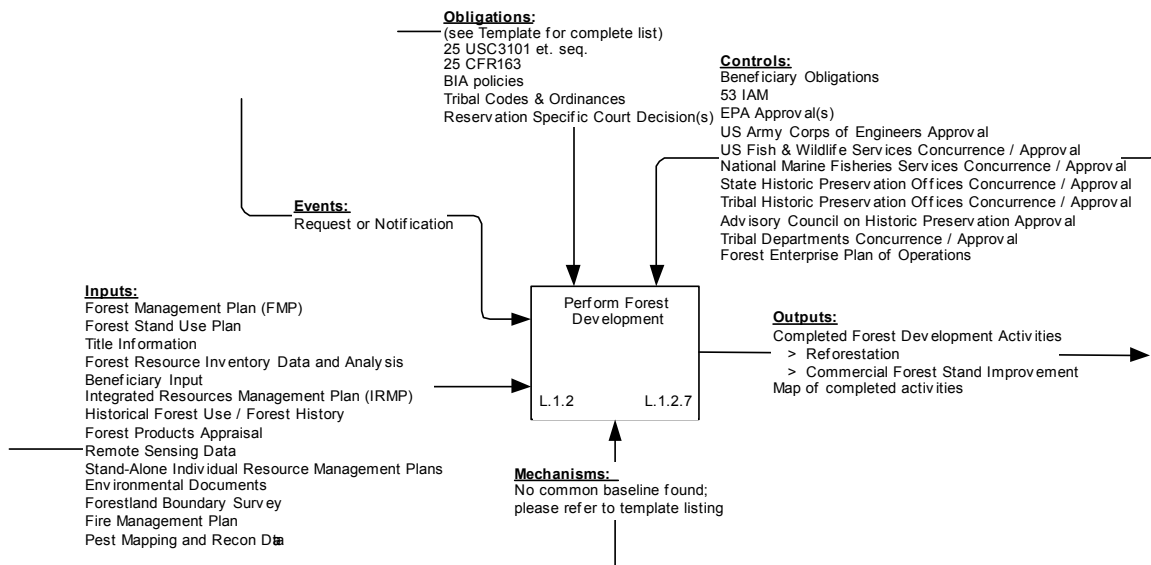


Figure 4.3.5.2- 15 Perform Forest Development IDEF(0)



Perform Forest Protection (L.1.2.8)

Starts with: Schedule and/or engage forestry crews in forest protection.

Ends with: Complete forest protection activities.

Forest protection activity includes; forest pest management, forest trespass and wildland fire protection and suppression. Fire management plans are developed when stands are in danger of wildland fires and if controlled burns are necessary for forest protection. This process ends when the forest protection project is completed and/or a wildfire is declared out.

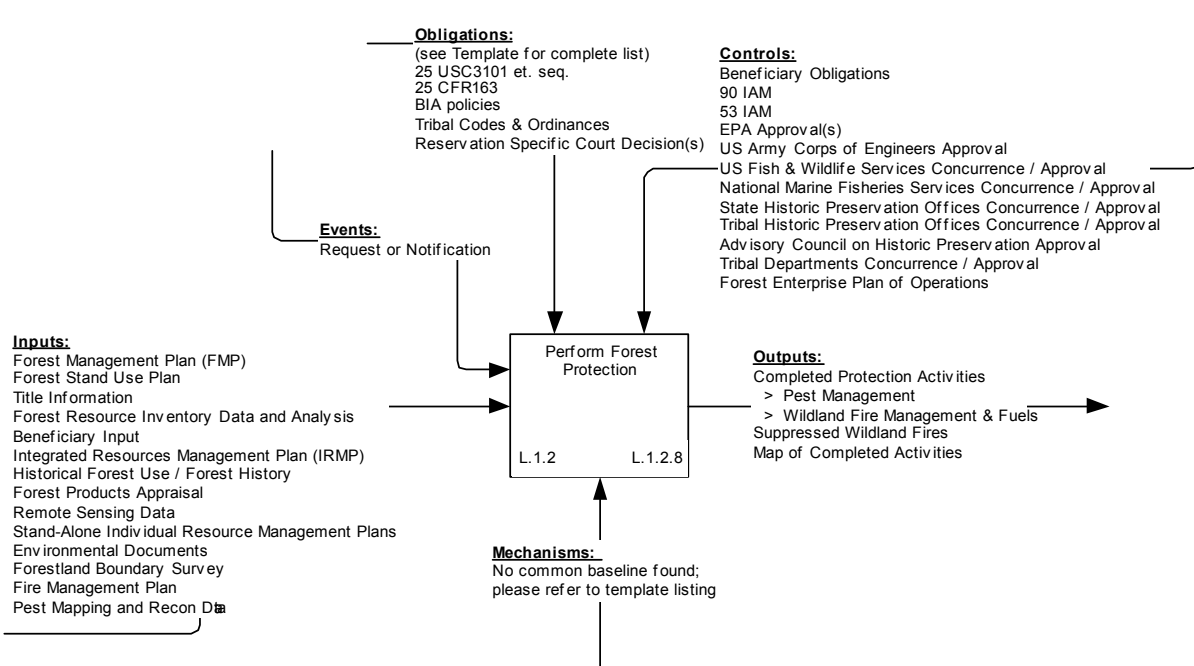


Figure 4.3.5.2- 16 Perform Forest Protection IDEF(0)

Monitor Forest Stands Not Under Contract (L.1.2.9)

Starts with: Notify official of forest stand incident.

Ends with: Determine appropriate actions regarding forest stand incident.

This process begins when notice is received of an event or action impacting a forest trust asset not currently scheduled for management activity. Examples of events that might cause increased monitoring, and alter the current yearly schedule, include drought, flood, fire, or storm damage. Reporting of incidents such as trespass may be received from beneficiaries, forestry crews, or forestry staff conducting random monitoring. The process ends with appropriate actions.

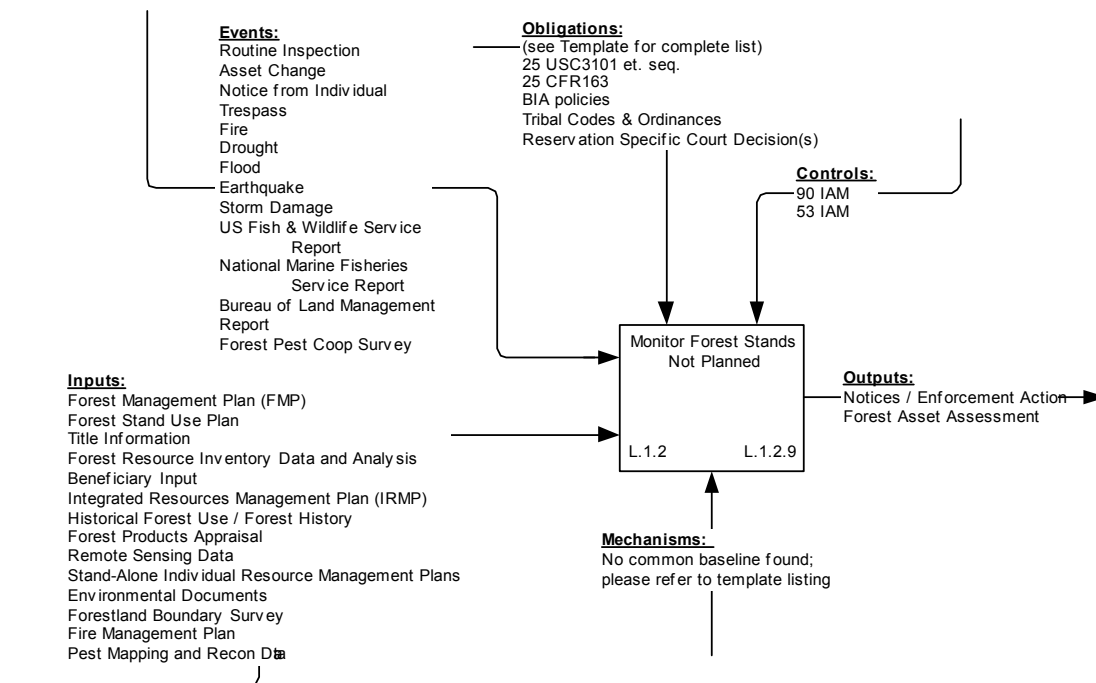


Figure 4.3.5.2- 17 Monitor Forest Stands Not Under Contract IDEF(0)



4.3.5.2.3 Contract Forest Stand Use (L.1.3)

Starts with: Identify forest stands for forest product sales.

Ends with: Final distribution of all proceeds from the harvest of forest products.

Beneficiaries must award the contract. Pre-contract billing and collection occur according to the terms of the contract. Such payments often include performance bonds, insurance bonds, and advance deposits/payments. After these pre-contract payments are made, “awarded” contracts are then approved by the DOI Line Official. After contracts have been officially approved, operational billing, collection, distribution and/or Direct Pay is conducted. Occasionally, contracts may be modified.

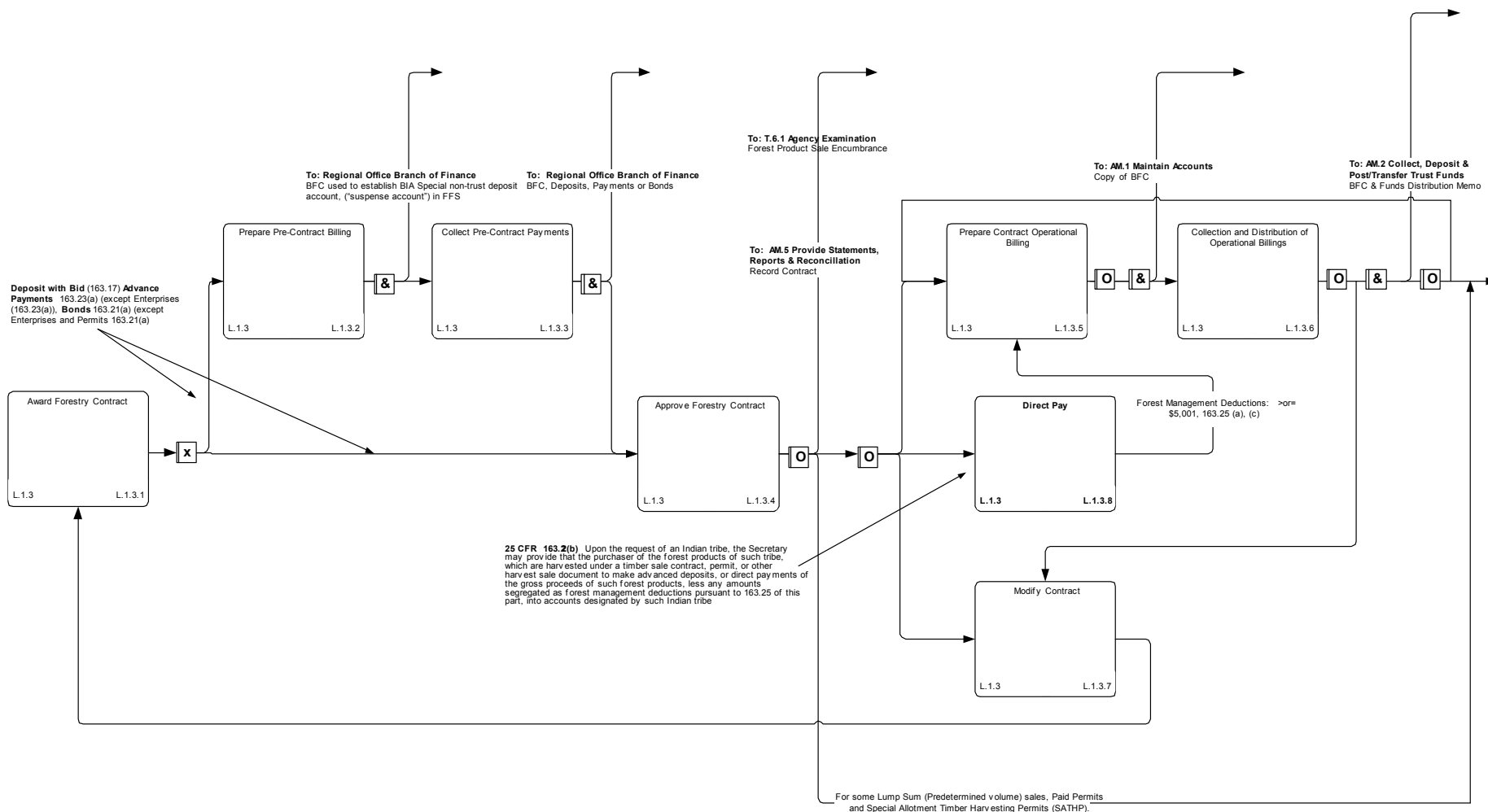


Figure 4.3.5.2- 18 Contract Forest Stand Use IDEF(3)



Beneficiary Involvement for Contract Forest Stand Use

The beneficiaries review prospective forest product bids and the pre-contract requirements prior to providing and documenting their consent to contract forest stands for harvest. Beneficiary approval is usually a prerequisite to DOI approval of the contract. Beneficiaries may review the potential purchaser if it is warranted by past experience.

Contract Forest Stand Use Significant Notes

- a) Many Tribes with valuable timber assets supplement federal government funding with Tribal funds in order to operate their forest management programs.



Contract Forest Stand Use Detail Description

Award Forestry Contract (L.1.3.1)

Starts with: Prospective purchaser is identified.

Ends with: Tribe, individual allottee(s), or BIA Line Official for allottee(s) award the contract.

Award, signifying beneficiary approval, of the Forestry contract begins when the Tribe or individual allottee(s) receives the draft contract and the purchaser is identified. The purchaser may have pre-contract obligations that must be met, such as performance bonds, advance payments, etc. The process ends with the award of the contract by the Tribe, individual allottee(s), or BIA Line Official for allottee(s).

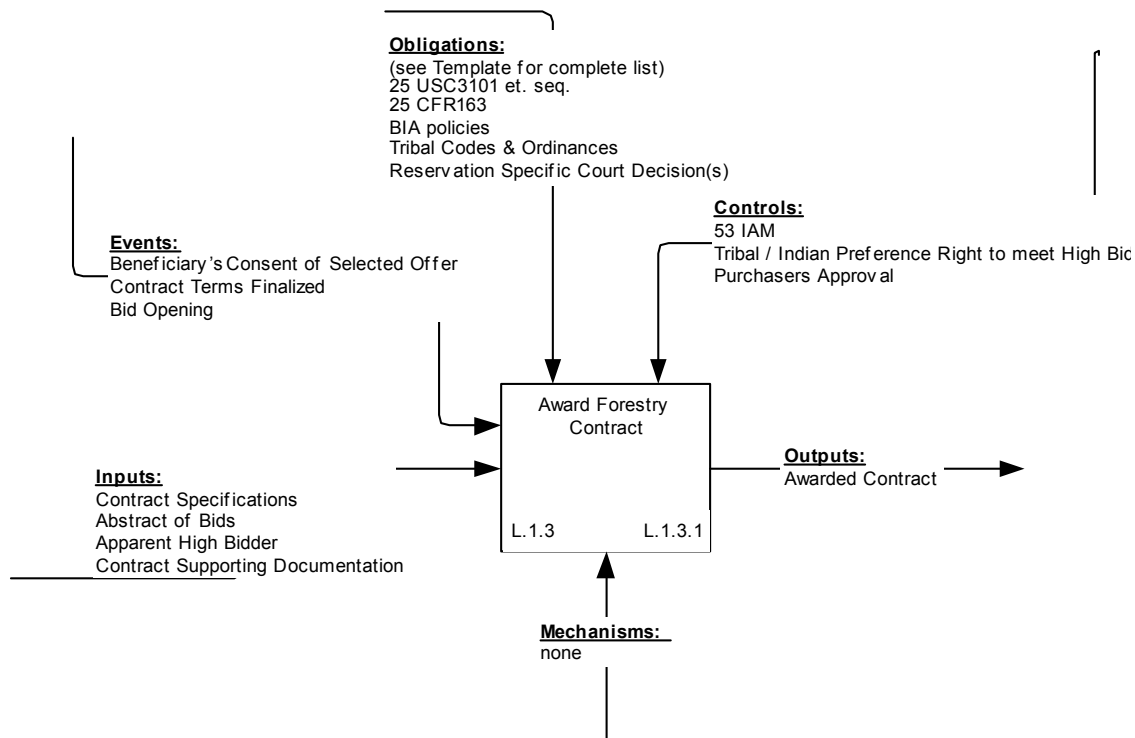


Figure 4.3.5.2- 19 Award Forestry Contract IDEF(0)

Prepare Pre-Contract Billing (L.1.3.2)

Starts with: Prepare all pre-contract requirements and payment terms.

Ends with: All pre-contract Bills for Collection have been sent to the selected purchaser.

BIA forestry staff prepares any pre-contract payment requirements (usually through Bills for Collection). Typical pre-contract requirements include; Performance Bonds, Bids with Deposit, Advanced Payments, Advanced Deposits, payments for Lump-Sum (Predetermined Volume) timber sales, Paid-Permits, or Special Allotment Timber Harvesting Permits (SATHP). Process ends when all pre-contract Bills for Collection have been sent to the selected purchaser.

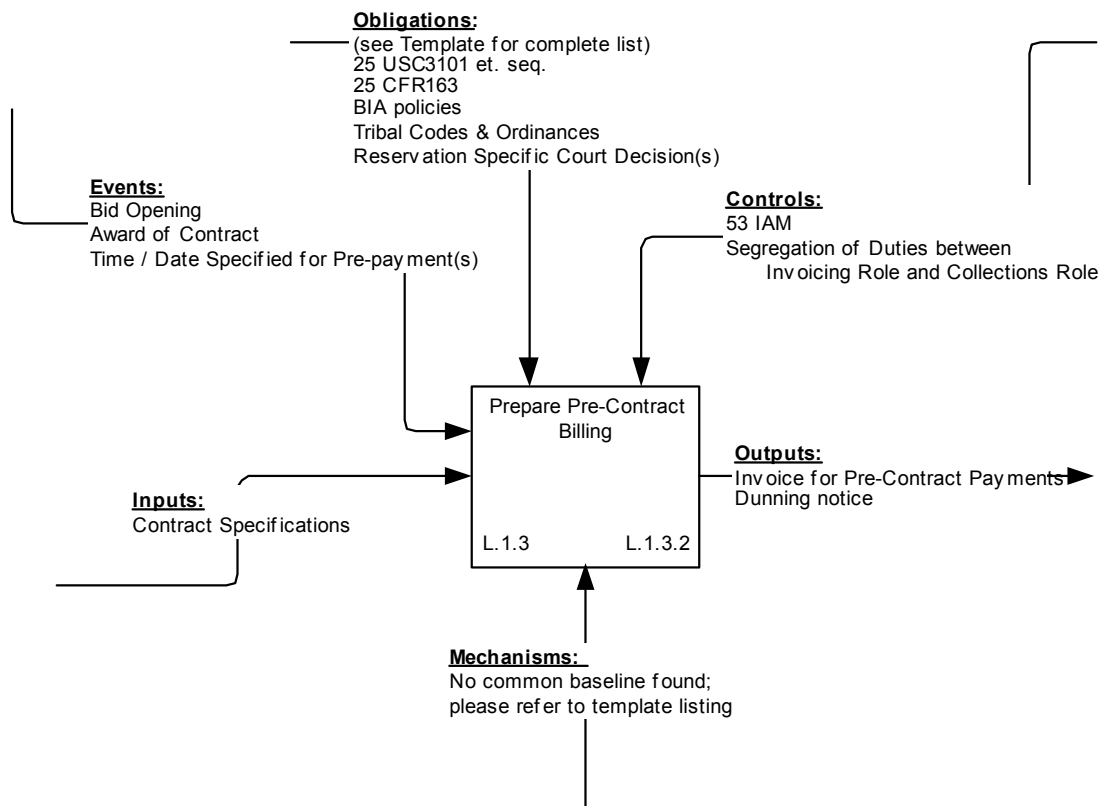


Figure 4.3.5.2- 20 Prepare Pre-Contract Billing IDEF(0)



Collect Pre-Contract Payments (L.1.3.3)

Starts with: Receive pre-payment funds.

Ends with: Forward pre-payment funds to BIA Division of Accounting Management for collection into the Federal Financial System.

The forest products purchaser sends any required pre-contract payments to the BIA forestry program staff. These funds are considered non-Trust funds because the relevant contract has not yet been approved by DOI. The funds are collected and forwarded to the BIA Division of Accounting Management for deposit into a non-Trust escrow account. Therefore, these funds are not yet collected into DOI's Trust Fund Accounting System, and are not distributed to beneficiaries until after the designated DOI Line Official has signed the contract. Advanced payments, after forest management deductions (if applicable), will be distributed to beneficiaries.

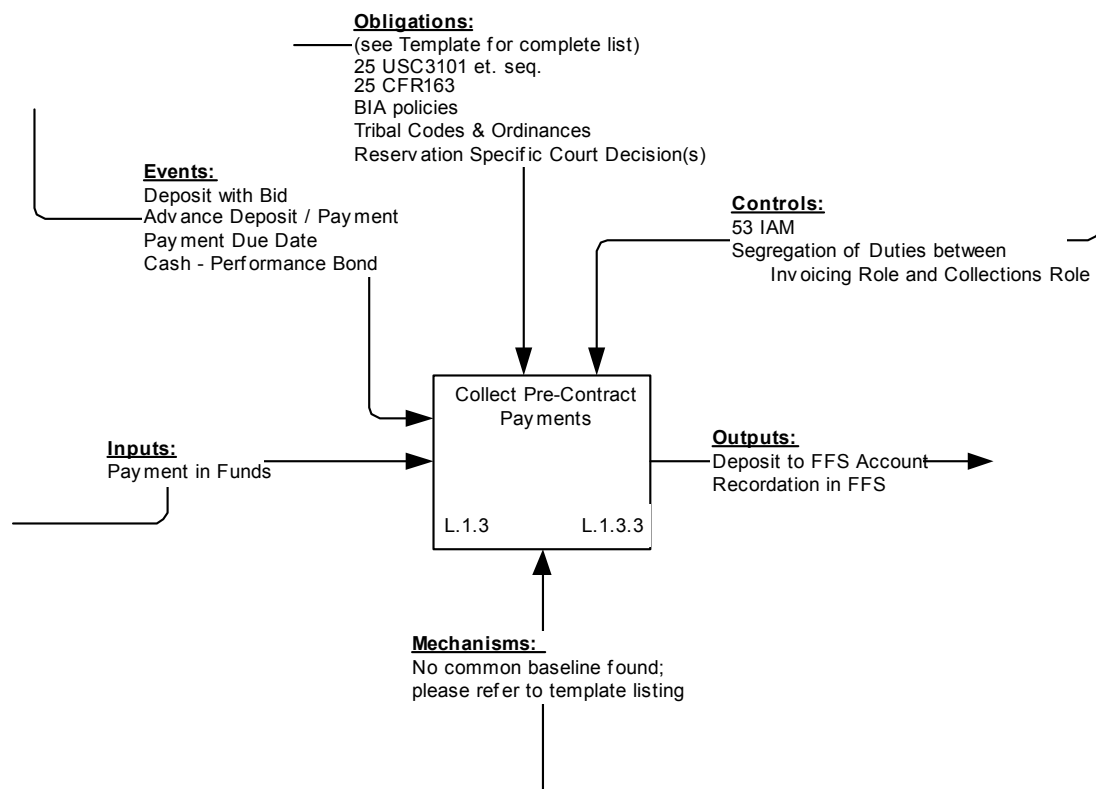


Figure 4.3.5.2- 21 Collect Pre-Contract Payments IDEF(0)

Approve Forestry Contract (L.1.3.4)

Starts with: Submit forest product sale contract to DOI Line Official for approval.
Ends with: Approved forest product sale contract.

When all pre-contract requirements have been met, the contract paperwork is submitted to the designated DOI Line Official for approval. This official reviews the contract to ensure DOI is properly managing Trust assets, and approves the contract or permit by signing the contract.

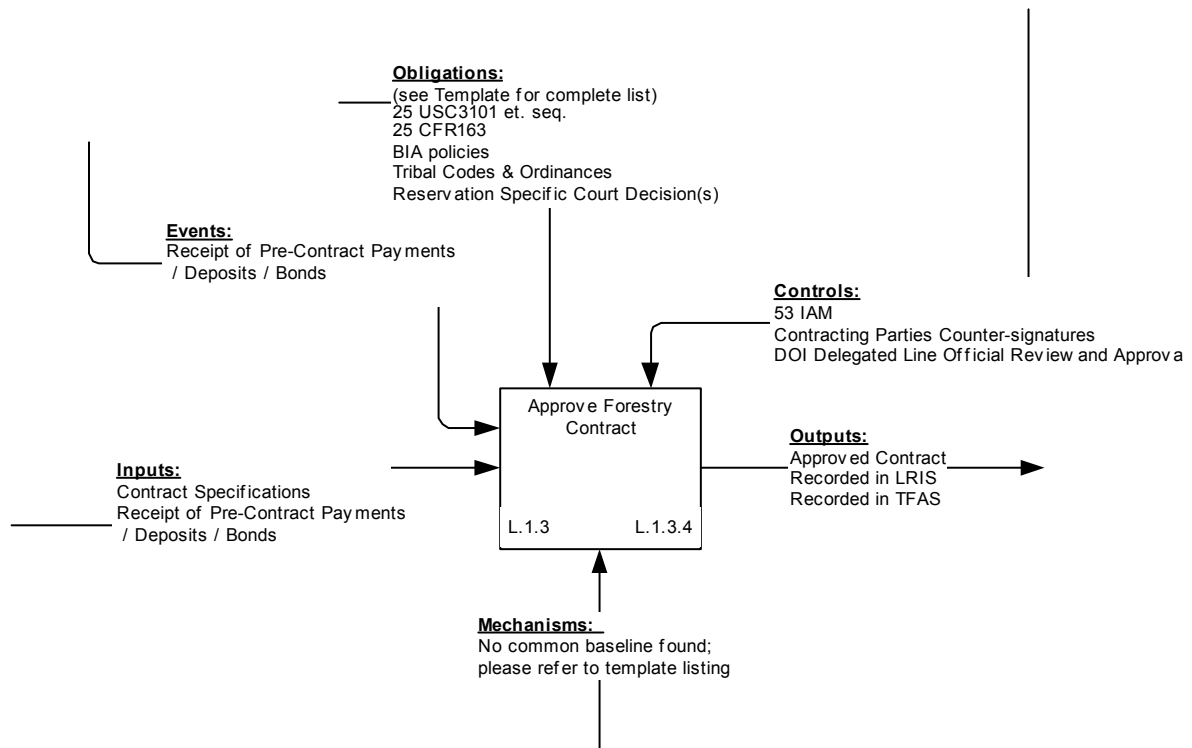


Figure 4.3.5.2- 22 Approve Forestry Contract IDEF(0)



Prepare Contract Operational Billing (L.1.3.5)

Starts with: Prepare all contract payment requirements and payment terms.
Ends with: Bills for Collection have been sent to the purchaser.

This process begins after the forest product contract is approved and there are additional payments or deposits required. Operational payments may be made as lump sums or on a schedule based on the amounts and values of timber cut for the payment period. Invoices may be created based on Production Reports for the sale. If payments are not received, a notice is sent to the contractor. This process ends when a final Bill for Collection has been sent to the purchaser.

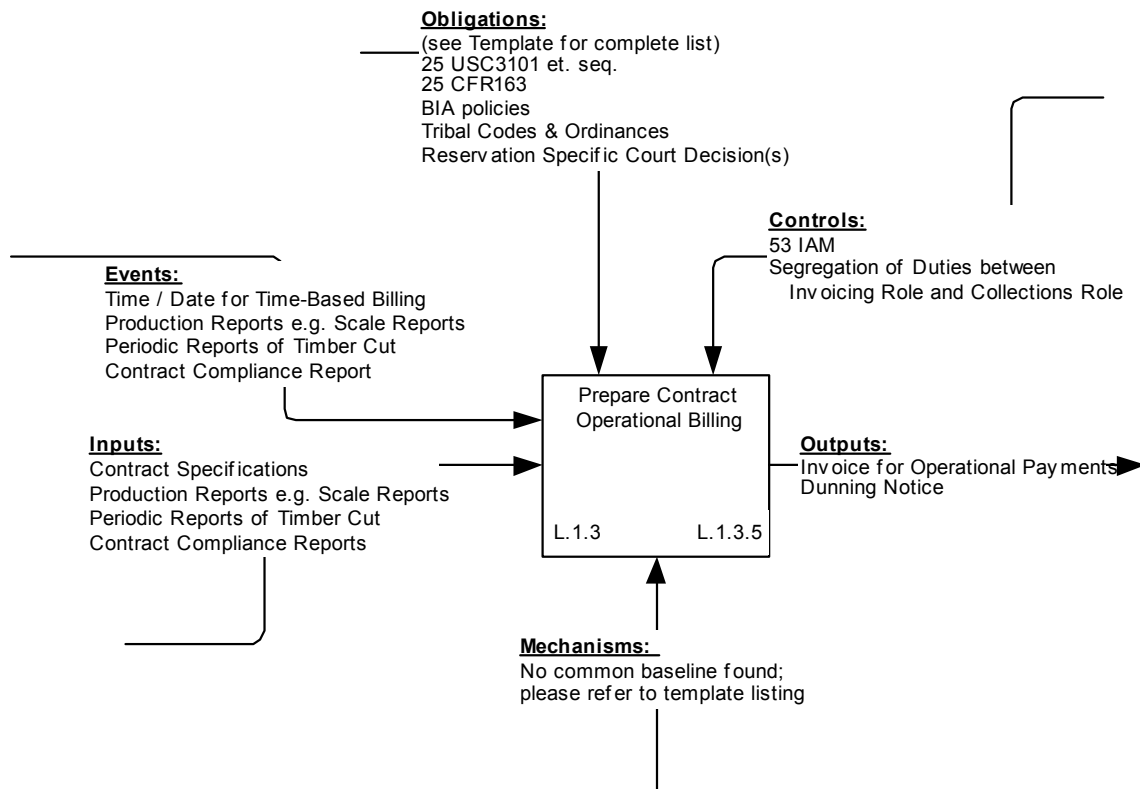


Figure 4.3.5.2- 23 Prepare Contract Operational Billing IDEF(0)

Collection and Distribution of Operational Billings (L.1.3.6)

Starts with: Receipt of operational payment based on contract terms.

Ends with: Receive final operational payment and make final distributions.

The contract stipulates when payments for forest products are to be made. When operational funds are received and documented, they are forwarded to OST/OTFM for deposit into appropriate beneficiary accounts.

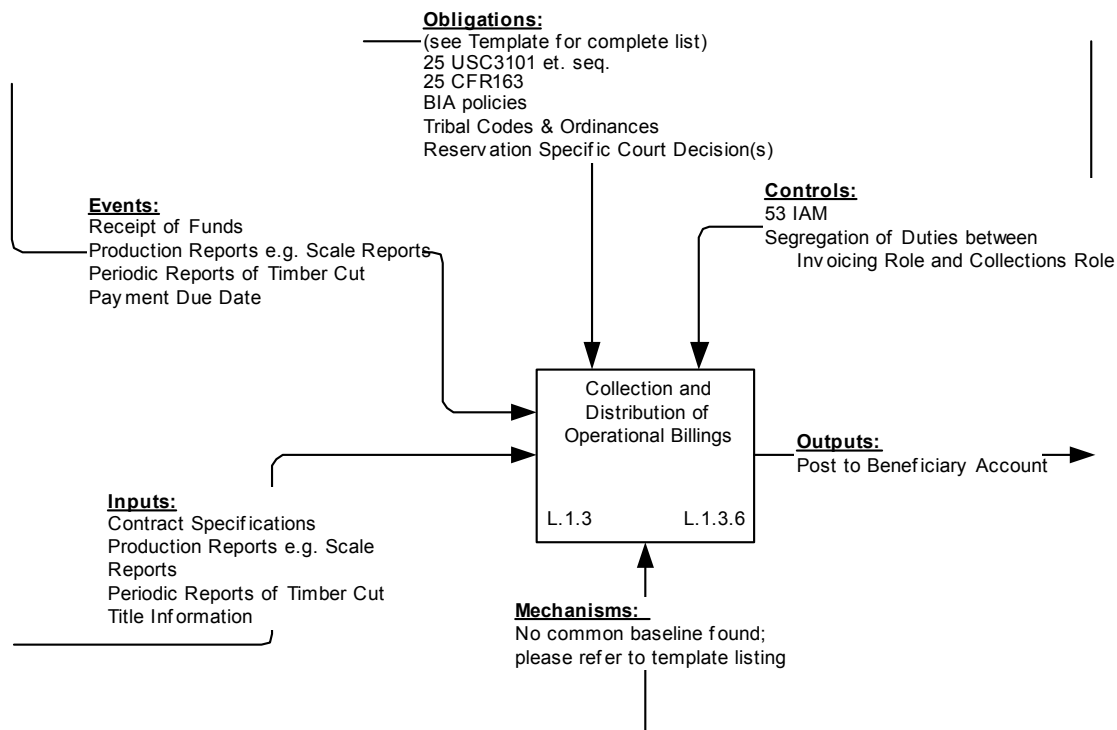


Figure 4.3.5.2- 24 Collection and Distribution of Operational Billings IDEF(0)

Modify Contract (L.1.3.7)

Starts with: Indicate interest in forest products contract modification.

Ends with: Approve contract modification by all parties.

During the course of large forest product sales, contract issues may warrant a modification to the contract. BIA and Tribal staff ensure protection of the interests and responsibilities of the Trust by drafting the modification which proceeds through the normal contract approval process.

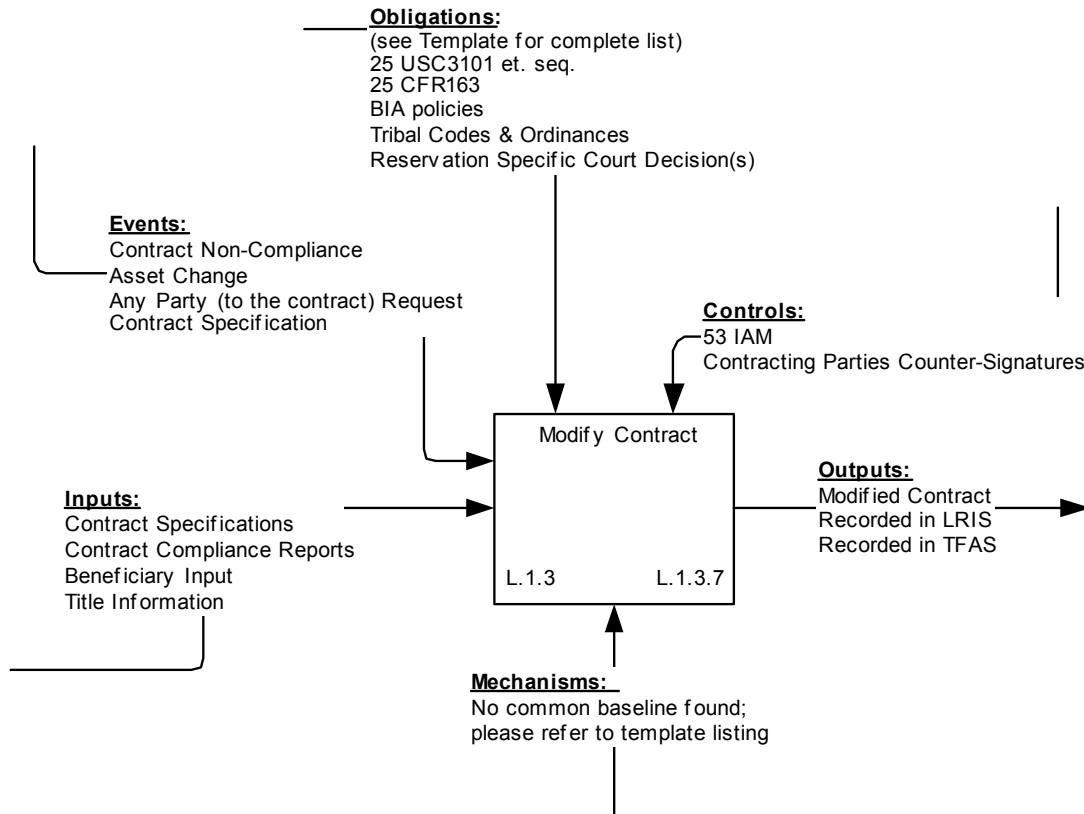


Figure 4.3.5.2- 25 Modify Contract IDEF(0)

Direct Pay (L.1.3.8)

Starts with: Established a Direct Pay agreement for a forest products contract.

Ends with: DOI verification that all direct payments and distributions stipulated in the contract have been made.

A Direct Pay agreement stipulates that all purchaser payments shall be made directly to the Tribe. All Direct Pay funds bypass DOI's accounting systems and are received directly into Tribal accounts. In addition, for forest product sales of over \$5,001, Forest Management Deductions must be collected and forwarded to DOI to facilitate ongoing forest management programs. The process ends when written verification that all required deposits, payments, and disbursements has been made and any amounts segregated as Forest Management Deductions are collected by the designated DOI Line Official.

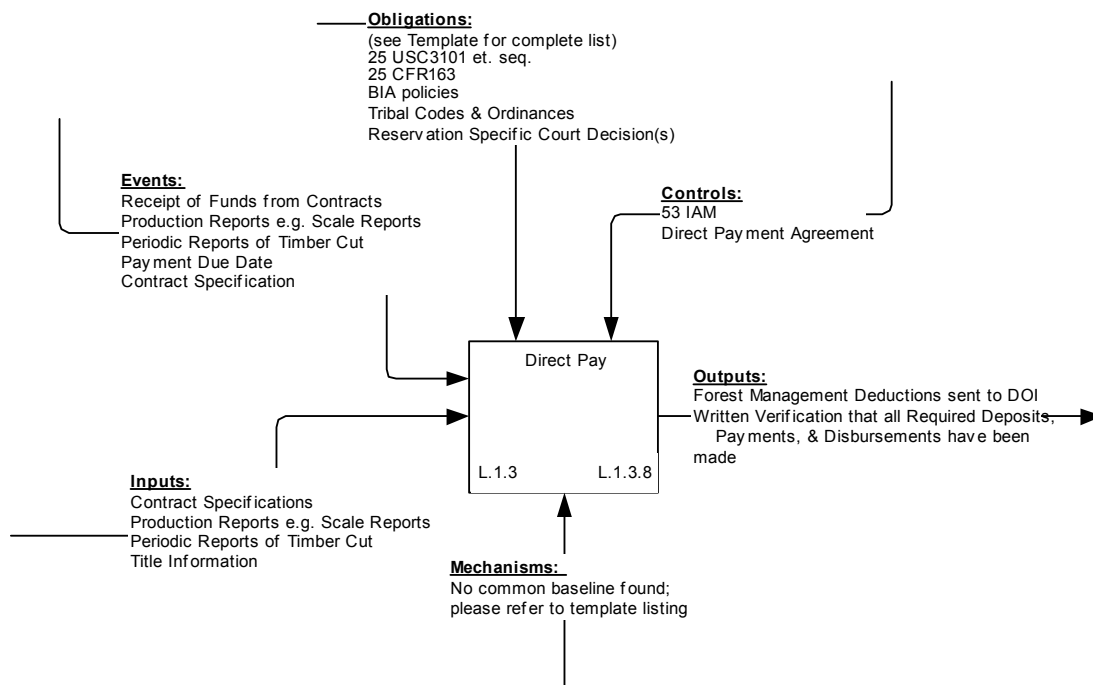


Figure 4.3.5.2- 26 Direct Pay IDEF(0)



4.3.5.2.4 Manage Forest Stand Compliance (L.1.4)

Starts with: Monitor forest stands.

Ends with: Close forest product sales contracts.

The final component of the Forest Management process focuses on forest compliance. Compliance monitoring includes contract activities, planned forest development and protection activities. While the BIA forestry staff possesses contract and permit compliance authority, they do not have law enforcement authority to ensure compliance.

Finally, forest product contracts are closed at the end of a sale.

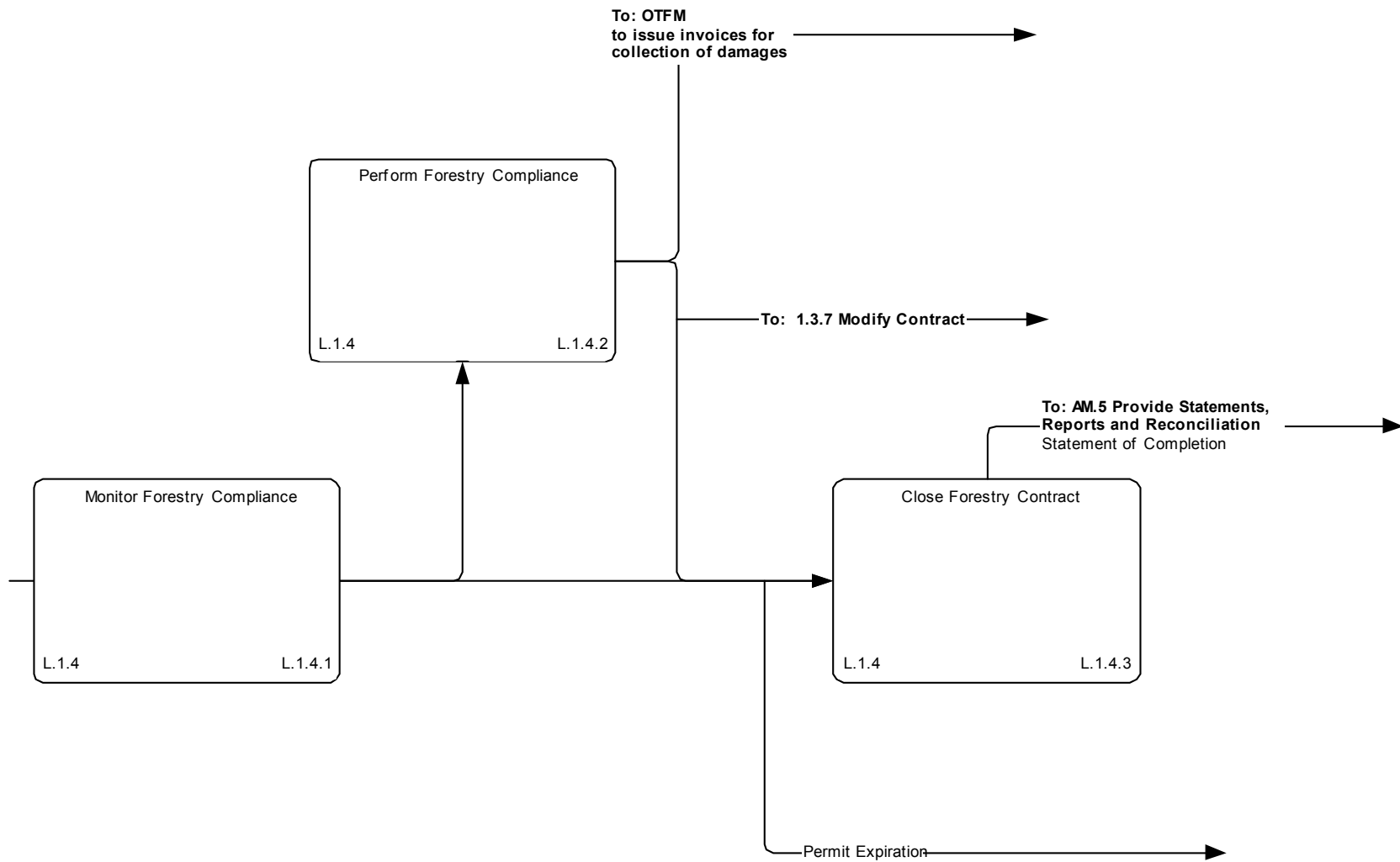


Figure 4.3.5.2- 27 Manage Forest Stand Compliance IDEF(3)



Beneficiary Involvement for Manage Forest Stand Compliance

Tribes provide significant oversight and management of Tribal forest lands. In addition, individual beneficiaries are often the first to notice incidents on lands of which they have an owner interest, and are able to provide both Tribal foresters and BIA with notice of compliance issues, access to affected land, and special issues they may have with compliance issues. In the case of wild-fires and arson, beneficiaries provide input into monitoring and/or enforcement actions.

Manage Forest Stand Compliance Significant Notes

- a) BIA has a responsibility to protect Trust assets. However, the BIA staff essentially has no law enforcement authority to ensure compliance with timber sale contracts or to prevent trespass, arson and other potential damage to forest land. Tribal police where applicable and local law enforcement may assist in this compliance support.



Manage Forest Stand Compliance Detail Description

Monitor Forestry Compliance (L.1.4.1)

Starts with: Approve forest products contract.

Ends with: Satisfy all forest products contract terms.

This process begins with an approved forest product contract and authorization for the contractor to proceed. During the course of the contract, normal or routine monitoring of forest events occurs. However, at times, notices are received from individuals or organizations concerning impacts to forest trust resources. These are assessed and appropriate parties are contacted (e.g., law enforcement, beneficiaries or a Tribal governing body). In the event that there is a significant impact to trust resources, asset inventories may need to be updated as appropriate and/or additional appropriate management actions taken. This process ends when all contract requirements have been fulfilled.

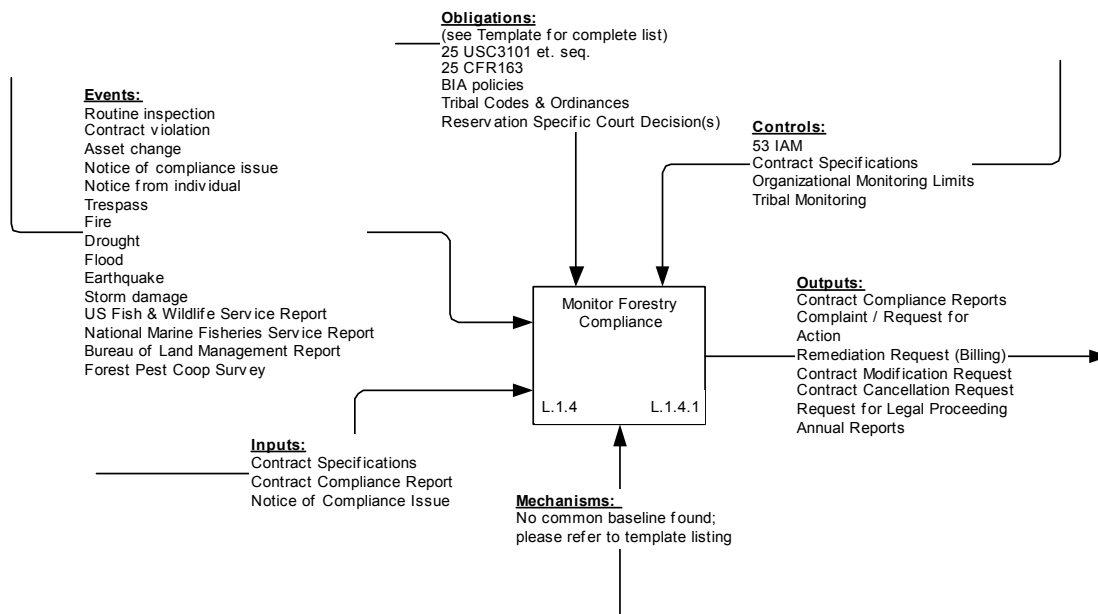


Figure 4.3.5.2- 28 Monitor Forestry Compliance IDEF(0)

Perform Forestry Enforcement (L.1.4.2)

Starts with: Determine enforcement action may be necessary based on a Contract Compliance Report.

Ends with: Document forestry enforcement action.

Routine inspections may identify a problem, incidents may be reported by beneficiaries, or others. Contractor non-payment may indicate a need for enforcement actions. Compliance monitoring reports may be filed along with damage assessments, if appropriate. DOI and the Tribe pursue appropriate enforcement action. The process ends when enforcement of the contract requirements has been ensured or other legal enforcement channels have been pursued.

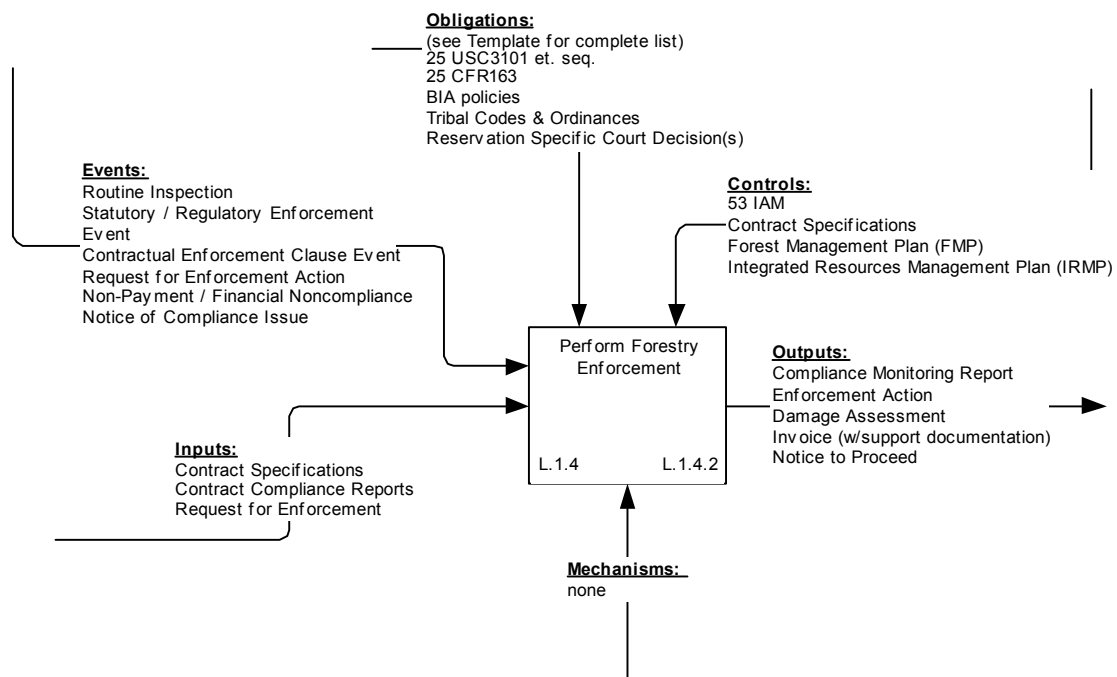


Figure 4.3.5.2- 29 Perform Forestry Enforcement IDEF(0)

Close Forestry Contract (L.1.4.3)

Starts with: Event that causes a need to close the forestry contract.

Ends with: Close forest product sales contract by a Statement of Completion and a refund of the contractor's performance bond, if appropriate.

This process begins with an event that causes a need to close the forestry contract or natural termination of the contract occurs because all contract requirements have been met. When BIA, the Tribe and beneficiaries are all in agreement that the terms of the contract have been met and all appropriate payments have been received, the BIA forestry program staff reviews the contractor's performance on the contract. When all terms and conditions of the forest product contract have been satisfied, the forest product contract is closed by return of the performance bond or any overpayment accompanied by a Statement of Completion of the sale.

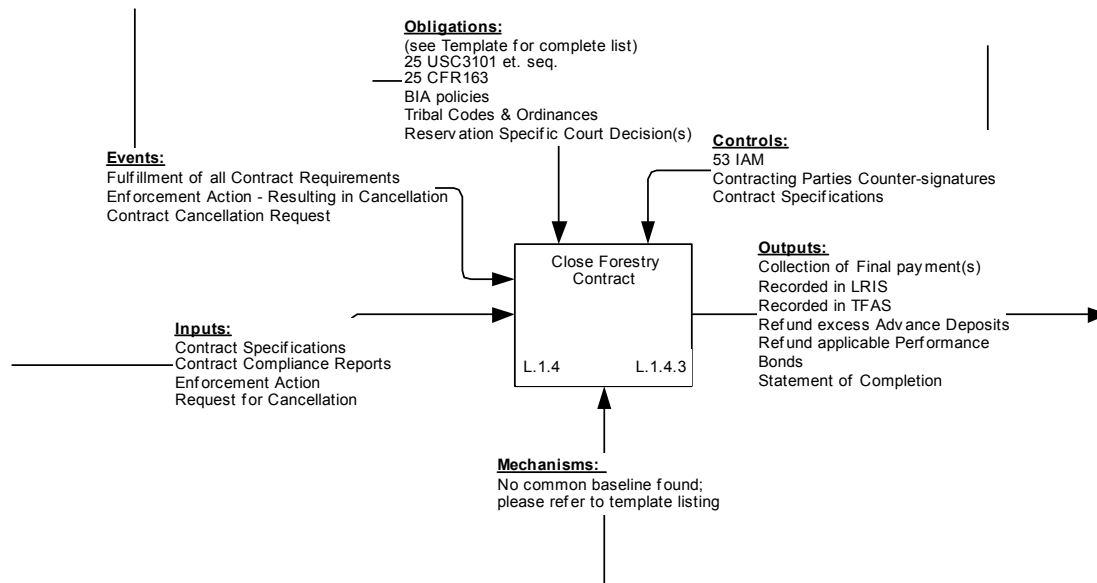


Figure 4.3.5.2- 30 Close Forestry Contract IDEF(0)



4.4.5.2.5 Forest Management Variances Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.5.2- 1 Great Plains Region Forestry Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.5.2- 2 Midwest Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region Red Lake Tribe	Process Description	The size of Advance Payments is calculated on purchasing truck tickets based upon average volume and value per load.	Procedural; Workload; Staffing	Strong potential for maintaining less than minimum account advance balances.	Medium	Medium

Table 4.3.5.2- 3 Eastern Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region Grand Portage Penobscot	Process Description	Direct Pay: No written verification that all required deposits, payments and	Procedural	Does not appear to be in conformance with regulations	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Menominee Passamaquoddy		distributions are made.		[§ 163.22 Payment for forest products. (c) The format must allow the Secretary to maintain trust responsibility through written verification that all required deposits, payments, and disbursements have been made.]		
Eastern Region Grand Portage Penobscot	Process Description	Forest Management Deductions (FMDs) are not sent to OST/OTFM.	Procedural	Does not appear to be in conformance with regulations. [§163.25 Forest management deductions. (c) Forest management deductions shall not be withheld where the total consideration furnished under a contract, permit or other document for the sale of forest products is less than \$5,001.]	High	Minor



Table 4.3.5.2- 4 Alaska Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Role	The Alaska Regional Office provides Forestry services for the Agencies.	Procedural; Staffing	Agencies are not involved in the forest management process and Tribes must collaborate directly with the Regional Office, which may provide geographical issues.	Medium	Medium
Alaska Region	Process Description	The Alaska Region has developed a process whereby commercial forest viability (harvestability) is determined prior to providing further forestry services.	Procedural; Workload; Staffing	Decreases approval process because a portion of stands do not need to be considered each year for harvest.	High	Minor
Alaska Region	Process Description	Not all of the allotments have "title." Forestry program funds cannot be used on an Allotment until a Trust title has been approved.	Workload; Staffing	Significant delay in providing any forestry services.	High	Major

Table 4.3.5.2- 5 Northwest Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region	Role	Forest Management Inventory and Planning work for Tribes within the Northwest Region is overseen (with assistance	Procedural	The Northwest uses staff at a special regional office branch of Forest Planning, while all other regions work	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		provided including CFI analysis) by the Northwest Regional Office.		with the national Branch of Forest Resources Planning.		
Northwest Region Quinault Tribe	Process Description	Forest Management Deductions are calculated on appraised value rather than as a percentage of gross proceeds from a timber sale.	Procedural	Does not appear to be in conformance with regulations. [§ 163.26 Definitions. <i>Forest management deduction</i> means a percentage of the gross proceeds from the sales of forest products harvested from Indian land which is collected by the Secretary].	Low	Minor
Northwest Region Quinault Tribe Makah Field Office	Process Description	The Direct Pay agreement provides no written verification that all required deposits, payments and distributions have been accomplished.	Procedural	Does not appear to be in conformance with regulations [§ 163.22 Payment for forest products. (c) The format must allow the Secretary to maintain trust responsibility through written verification that all required deposits, payments, and disbursements have been made.]	High	Minor
Northwest Region Makah Field Office	Role	Tribal Forester approves permits	Procedural	Does not appear to be in conformance with regulations.	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				[§ 163.26 Forest product harvesting permits. (a)...To be valid, permits must be approved by the Secretary.]		
Northwest Region Quinault Tribe Makah Field Office	Process Description	Tribes are given 24 hours to invoke “Tribes right to meet high-bid,” which allows Tribes (usually through Tribal Enterprises) to contract for the timber harvest themselves. Usually, the extra 24 hours is not allowed.	Procedural	Minimal	Low	Minor
Northwest Region Quinault Tribe Makah Field Office	Role	Allotment owners are polled to determine whether or not to offer the term for “Tribes right to meet high-bid”	Procedural	Does not appear to be in conformance with regulations. [§ 163.15 Advertisement of sales. (a)...The advertisement may limit sales of Indian forest products to Indian forest enterprises, members of the Tribe, or may grant to Indian forest enterprises and/or members of the Tribe who submitted bids the right to meet the higher bid of a non-member.]	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region Quinault Tribe	Process Description	The Quinault Tribe pays Forest Management Deductions (FMDs) on a quarterly basis.	Procedural; Workload	Does not appear to be in conformance with regulations. [§ 163.25 Forest management deductions. (a) Pursuant to the provisions of 25 U.S.C. 413 and 25 U.S.C. 3105, a forest management deduction shall be withheld from the gross proceeds of sales of forest products harvested from Indian forest land as described in this section.]	Low	Minor
Northwest Region Quinault Tribe Makah Field Office	Process Description	These locations obtain Beneficiary Consent to contract forest stand prior to evaluation of stands for Harvest.	Procedural; Workload	Minimal	Low	Minor
Northwest Region Yakama Agency	Process Description	Does not get Regulatory Agency Approvals prior to environmental assessment of “Finding of No Significant Impact” (FONSI)	Procedural Workload	Does not appear to be in conformance with Case Law	Medium	Major



Table 4.3.5.2- 6 Eastern Oklahoma Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Process Description	There are no advertised timber sales in the region.	Workload	Decreases workload	High	Medium

Table 4.3.5.2- 7 Southern Plains Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.5.2- 8 Rocky Mountain Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Process Description	The Direct Pay agreement provides no written verification that all required deposits, payments and distributions have been accomplished.	Procedural	Does not appear to be in conformance with regulations [§ 163.22 Payment for forest products. (c) The format must allow the Secretary to maintain trust responsibility through written verification that all required deposits, payments, and	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				disbursements have been made.]		
Rocky Mountain Region Rocky Boy's Field Office	Process Description	Forest Management Deductions (FMDs) are sometimes collected on forest product sale amounts less than \$5,001. FMD not sent to OST/OTFM. Used directly by Tribal Forestry.	Procedural	Does not appear to be in conformance with regulations. [§163.25 Forest management deductions. (c) Forest management deductions shall not be withheld where the total consideration furnished under a contract, permit or other document for the sale of forest products is less than \$5,001.]	High	Minor
Rocky Mountain Region Rocky Boy's Field Office	Process Description	The Tribal Governing body determines which local (non-Enterprise) operators receive timber sales.	Procedural	Does not appear to be in conformance with regulations. [§ 163.15 Advertisement of sales. (Except as provided in §§ 163.13, 163.14, 163.16, and 163.26 of this part, sales of forest products shall be made only after advertising.	Medium	Minor



Table 4.3.5.2- 9 Navajo Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	All	The Navajo Regional Office provides Forestry services for the Agencies.	Procedural Staffing	The Regional Office has more forestry people and is more involved on a day-today basis.	Medium	Medium
Navajo Tribe	Role	Tribal Forester approves permits	Procedural	Does not appear to be in conformance with regulations. [§ 163.26 Forest product harvesting permits. (a)...To be valid, permits must be approved by the Secretary.]	High	Minor

Table 4.3.5.2- 10 Southwest Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						



Table 4.3.5.2- 11 Western Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region Ft. Apache Tribe	Role	Ft Apache Tribe has refused to sign their Forest Management Plan.	Procedural	Inconsistent with policy.	Medium	Minor
Western Region Ft. Apache Tribe	Process Description	Ft Apache uses a “Ratio Royalty” system of payment. Timber is paid for, after being sold by the Tribal mill, (Ft. Apache Timber Company FATCO)	Procedural	Minimal	Low	Low
Western Region Hualapai Tribe	Process Description	The Hualapai Tribe does not have their Reports of Timber Cut approved by the BIA	Procedural	Inconsistent with policy.	Medium	Minor

Table 4.3.5.2- 12 Pacific Region Forest Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Pacific Region Tule River Round Valley	Process Description	Tule River Tribe has increased their Forest Management Deductions to 25%. Round Valley has increased their Forest Management Deductions to 18%	Lack of Funding	Enhances total regional forest management resources and provides essential budget dollars to the Tribes for forest management activities	High (positive)	Minor



4.3.5.3 Range Management (L.2)

The overall process starts with: Develop a reservation range plan.

It ends with: Close grazing permits.

Nationally, grazing is the predominant use of Indian Trust lands in terms of acreage. The Range Management Trust Business Model describes the activities to plan, issue grazing permits, manage revenue, and monitor Indian Trust rangelands.

Trust range resources are principally managed through a permit system codified at 25 CFR 166. This system regulates the management and use of rangelands, the range permitting activities, and compliance monitoring. It also provides procedures for designating range unit operators (ranchers), who are responsible for effective stewardship of the land. Idle or non-permitted rangeland, without responsible care and use, is subject to wastage through a variety of sources including feral animals, noxious weeds, trespass, dumping, and overuse. With proper management and utilization, the land is maintained in a more ecologically sustainable state providing revenue to the Trust beneficiaries.

Range Management activities interface with other trust processes such as Title, Accounting and Appraisal. These interfaces facilitate determination of ownership; establish fair market values for minimum grazing rental rates; and to distribute rental income to beneficiaries.

Range processes and grazing permits do not occur in the following BIA Regions: Alaska, Eastern, Eastern Oklahoma, Midwest, and Southern Plains. While grazing occurs in these regions, it is typically leased as farm/pasture land under 25 CFR 162 regulations, as described in the Agricultural Leasing process, and not through 25 CFR 166 General Grazing regulations.

Range policies and procedures are varied at regional, agency, and Tribal levels to accommodate individual Tribal objectives and land use codes. Some Compacted/Contracted Tribes have developed programs that may better serve the local land characteristics and Tribal priorities.

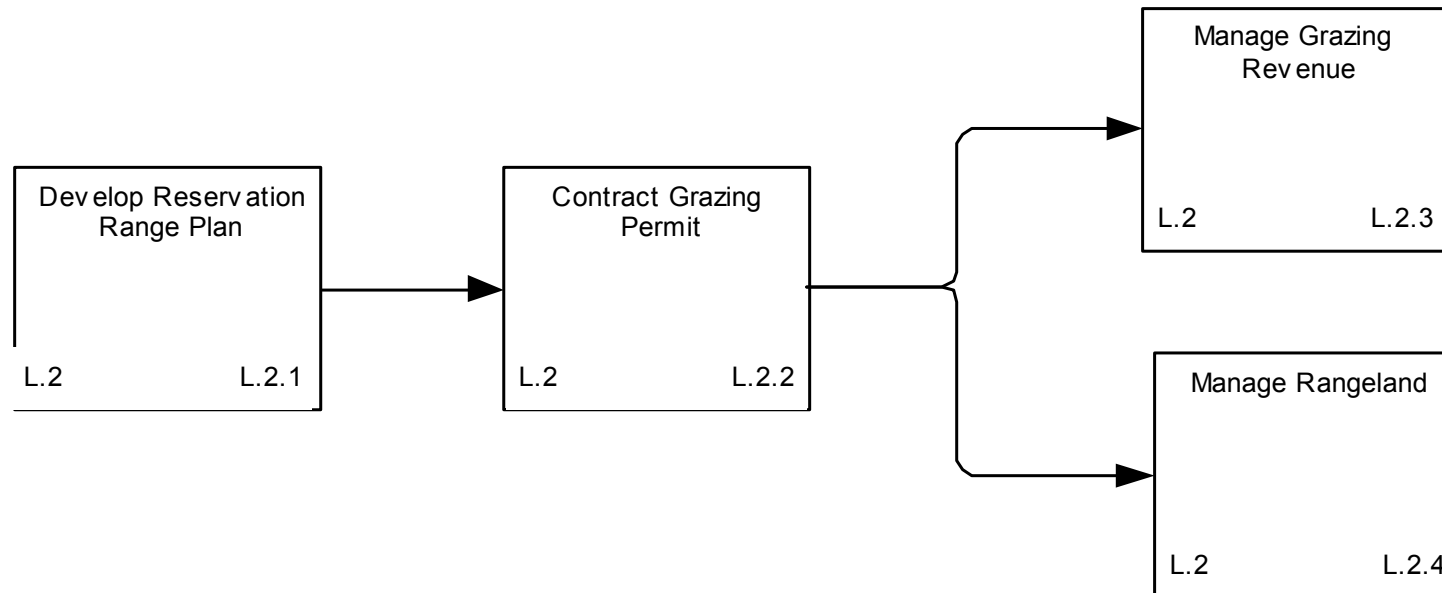


Figure 4.3.5.3- 1 Range Management High Level Diagram



4.3.5.3.1 Develop Reservation Range Plan (L.2.1)

Starts with: Receive a request for changes in grazing policies, or, pending expiration of a Reservation grazing permit period.

Ends with: Adopt formalized refinement of BIA and/or Tribal stipulations, resolutions, and statutes to manage the rangeland over the next planned period of time.

Planning for rangeland is primarily confined to lands utilized under existing grazing permits. Typically, “idle” lands, and lands not permitted, are not included in formal planning processes. Planning incorporates Range Units (RU’s), which are “unitized” areas of land permitted to one or several operators. Range Units may comprise a number of tracts of land each with unique ownership. This is done to create an area of land of adequate size to provide for sufficient stocking rates of commercially viable herds of livestock, and support effective land use practices, such as rotating of animals between fenced pastures within the unit to prevent over-grazing.

Most Reservations with large, contiguous areas of rangeland have synchronized their grazing permits to expire at the same time. BIA Regions with large range operations have worked with Tribes to schedule rotating “blocks” of permits, where one or two Reservations go through the range planning and permitting process each year, with all Reservations in the region completing the process once within a five year rotation schedule (to match the five year duration of most grazing permits). Some Reservations may vary this to shorter periods (e.g. two years), or extend the periods (e.g. 10-year rotations) to match USDA program cycles and other influencing events. Upon expiration, the current permittee must apply to maintain his/her existing permit, with the exception of the Navajo Region. Occasionally, negotiation of a permit is employed to retain the same operator under a new permit.

Typically, the BIA initiates planning, reviewing utilization reports, and receiving an Appraisal Report from the regional OST Appraiser. This appraisal recommends a minimum grazing permit rental rate for the Tribe. The appraisal is established in terms of a price per animal unit month (AUM).

Planning activities review land utilization, assess rangeland condition, set stocking rates, rental minimums, and land suitability prior to commencing the grazing permitting. An Appraisal Report and other recommended grazing changes are forwarded as stipulation recommendations to Tribes for review. Most Tribes with significant rangeland may develop their own stipulations to achieve unique Tribal objectives or limitations for grazing. Stipulation recommendations, both BIA and Tribal, are reviewed and formalized by Tribal authorities, usually in Grazing Resolutions, which may also be codified into Tribal Ordinances.

Upon request, new rangeland may be incorporated into the Trust land base for permitting. This activity typically establishes stipulations as part of the environmental land assessment performed in establishing the new Range Unit or Range Management Unit (RMU). Rights of way may be requested to allow appropriate access to the land for grazing use.

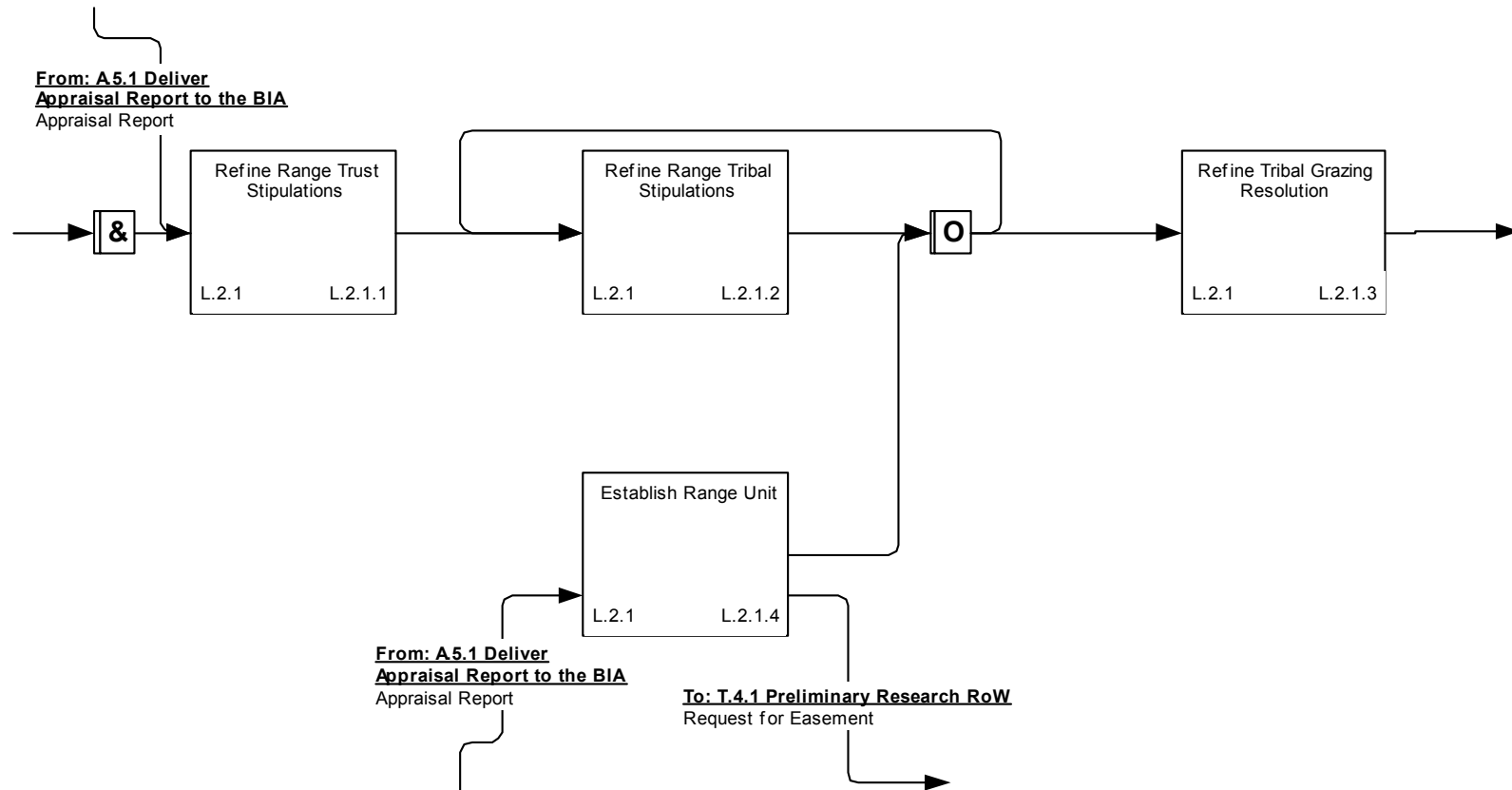


Figure 4.3.5.3- 2 Develop Reservation Range Plan IDEF(3)



Beneficiary Involvement for Reservation Range Plan

Tribes are heavily involved with range planning and development, and have formalized process steps to guide objectives and preferences for rangeland management. Individual allottees are not typically involved with the development of Reservation plans unless they participate in Tribal discussions or committees in development of Tribal stipulations and preferences.

Develop Reservation Range Plan Significant Notes

- a) A number of Reservations with significant range resources do not have formal permit systems. Frequently, these Tribes provide for Tribal Member use of rangeland based on historical or customary land use and land tenure rights. These grazing rights may be very informal designations, or may be documented by the Tribe in the form of land assignments.
- b) Many locations do not have a complete current range data for stocking rates and carrying capacities (e.g. Navajo). Detailed soil and range surveys, assessments of forage and land carrying capacities (at the district or reservation level) were in many instances last performed between 40 and 70 years ago. There is also a serious lack of trained personnel competent to monitor to determine range condition and stocking rates. Carrying capacity is the maximum number of animals a particular tract can support. It is not meant to be a suggested herd size. Stocking rate is a suggested animal count for a RU. Frequently, carrying capacities were based upon a soil and range inventory.
- c) A large amount of grazing land (estimated around 1 million acres), exists as Public Domain (Indian) Allotments (PDA's). PDA's are tracts of land allotted to individual Indians from public domain land. Most of these tracts are relatively small, in the vicinity of 10 –160 acres, are widely scattered, off-Reservation, and are not being managed or tracked. Most BIA involvement on these tracts is in response to notification of third parties in potential trespass. Existing programs focus on Reservation land managed under current grazing permit systems, and as a result, it is problematic to substantiate and quantify information on the PDA's and the magnitude of the related problems.
- d) 25 CFR 166 requires a Conservation Plan of Operation for each RU, and the American Indian Agriculture Resource Management Act of 1994 (AIARMA) and 30 BIAM Supplement 10 recommend an Integrated Resource Management Plans (IRMP). These obligations and controls have been characterized as "unfunded mandates", even though funding for performing the activities is available through a grant process. Conservation plans are performed (or updated) primarily when circumstances require it, such as natural catastrophic events, or trespass litigation. When IRMP's are completed, most of these are funded with Tribal resources.



Develop Reservation Range Plan Detail Description

Refine Range Trust Stipulations (L.2.1.1)

Starts with: Receive a request for land use change, or, a pending expiration of a Reservation grazing permit period.

Ends with: Approve a minimum grazing permit rental rate for allotted lands, stocking rates and other recommended stipulations, and forward to relevant Tribal authorities.

Most rangeland under the jurisdiction of BIA is and has been historically and customarily used for the grazing of livestock. Periodic adjustments are needed as to how and when the rangeland is utilized. These are generally refinements and not wholly new approaches to managing the grazing activity.

These periodic adjustments are usually triggered by either a pending expiration of existing grazing permits, or, receipt of a request for land use change. Occasionally, significant natural events such as fires or floods may also initiate this process. Unless otherwise requested or prompted, refinement of stipulations begins about a year before permit expiration.

Based upon available information and knowledge of the rangeland within the region, BIA Range Conservationists make recommendations to adjust the grazing use of the land. Both region-wide changes, and where appropriate, RU or tract-level changes, may be recommended. Conservation Plans, also sometimes referred to as a Plan of Operations, are prepared or refined for a RU, usually commenting on specific changes for that particular piece of land. Common general stipulation updates cover the major characteristics of grazing use:

- a) Class of Livestock (Cattle, sheep, horses, etc.)
- b) Stocking rate – productivity expressed as acres per animal unit months (AUM)
- c) Carrying capacity – the maximum number of animal units (AU's) acceptable for a tract of land. An AU is a pre-defined relationship between the species of animal and its characteristic utilization of forage resources. For example, an AU might be one cow, or an equivalent of four sheep
- d) Season of use
- e) Rental rate
- f) Natural or prescribed constraints of use

Carrying capacities are adjusted based upon surveys. These are surveys which provide information pertinent to the use of the land, not a land or boundary survey. Soil and range surveys are ecological assessments detailing range inventories, soil characteristics, past permit package experience, current forage, environmental factors, and other management factors including water availability, fencing, fire, noxious weeds, and disease risks. They describe appropriate operating adjustments and prevention measures, usually at a tract or sub-tract level. Since budgets for soil and range surveys are very limited (usually performed in 30-70 year cycles), the Refine Trust Stipulations process usually limits assessments for these refinements to a more generic and geographically broader scope, such as reservation or region-wide adjustments to carrying capacities by a percentage factor.

IRMP's are suggested in 30 BIAM Supplement 10, and can provide guidance in developing grazing stipulations which are aligned with the Tribal goals and objectives for land use.

Rangeland is appraised for its rental value on an AUM basis. BIA Regional Directors approve and establish the reserve minimum rental rate for allotted lands at each Agency/Reservation, and forward this information to the appropriate Tribal representatives in their review of establishing tribal rental rates for tribal lands.

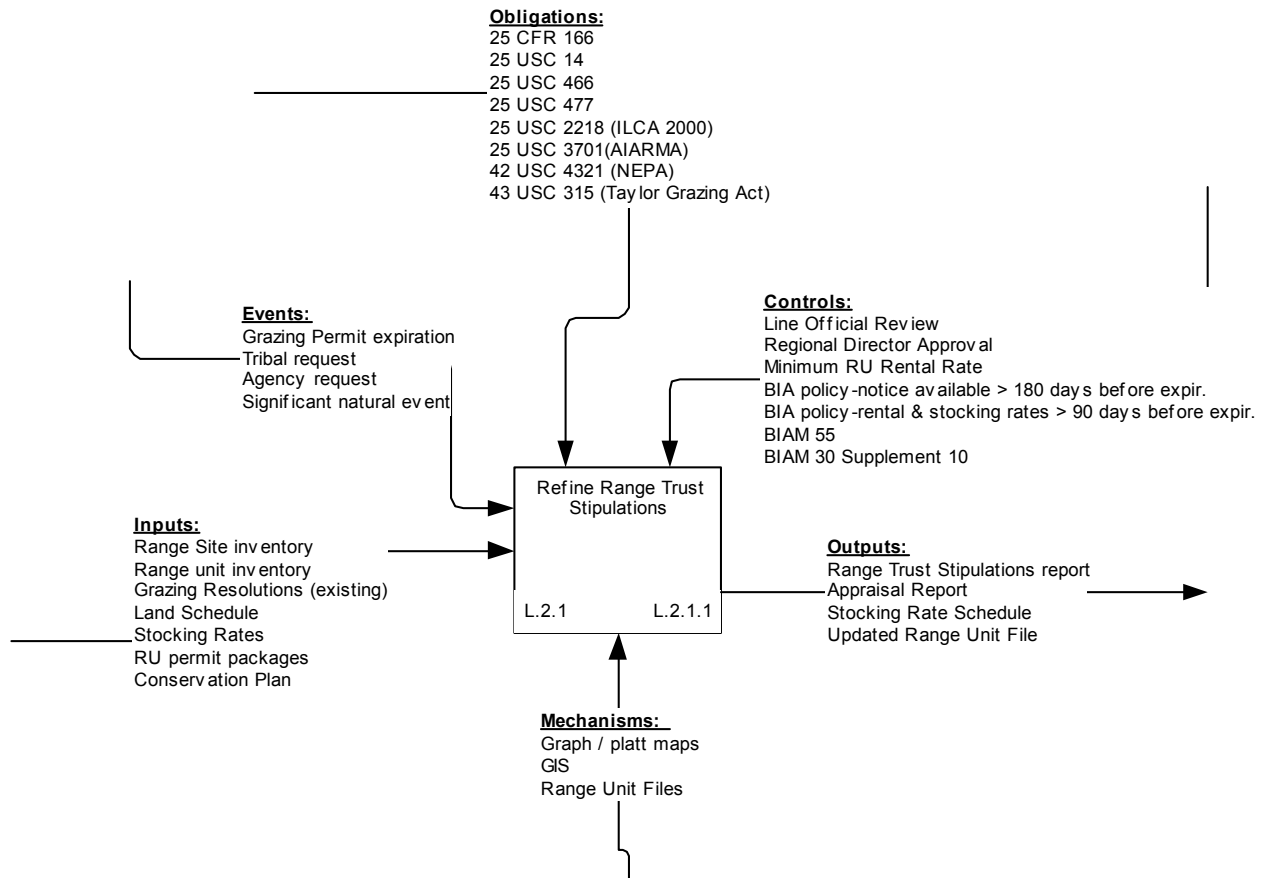


Figure 4.3.5.3- 3 Refine Range Trust Stipulations IDEF(0)



Refine Range Tribal Stipulations (L.2.1.2)

Starts with: Receive BIA Appraisal Report for grazing rate, or, pending expiration of a reservation grazing permit period, or, a cyclic review of tribal allocation requirements.

Ends with: Document Tribal stipulations and forward to Tribal authorities for approval.

Tribes frequently desire to modify requirements and preferences upon the use of Tribal Trust land. Tribes usually begin this process in conjunction with the BIA refinement of Trust stipulations. Tribal stipulations may be developed to give preference to Tribal members over the general public for use of Trust lands. Preferences may be for Tribal landowners over non-landowners, historical or cultural use, and support social priorities. They may also put specifications in place relating to the process or bypassing the process of competitive bidding for the use of rangeland. Generally, such ordinances bypass competitive bidding to the public and prioritize allocation of permits if a qualified Indian operator can be found to fulfill acceptable contract permitting terms. Other terms, conditions, permissions, exclusions, and record keeping may be specified, including the capability to assess fees (e.g. right-to-do-business, inspections) and specify the terms and who shall collect such fees (e.g. payment direct to the Tribe, or, BIA serving as collector).

Examples of common Tribal Stipulations are:

- a) Tribal allocation requirements (prerequisites to receive preference in land use).
- b) Tribal allocation preferences (e.g. blood quantum, current land ownership, existing range permit, experience in active livestock management)
- c) Tribal member rental rate, usually lower than appraised fair market value (FMV) rate for Tribal operators on Tribal lands.
- d) Livestock exclusions (types permitted and precluded)
- e) Land management requirements (e.g. fencing, area to be excluded, trespass procedures)
- f) Livestock control responsibilities

Tribal land operations staff finalize the recommended Tribal Stipulations, including any forwarded BIA-developed Trust Stipulations, and forward to the appropriate Tribal authorities for approval. Generally, this is a Tribal District, Council, Chairman, or Governor, for formal approval in the form of a Resolution, and may include codification into Tribal Ordinance.

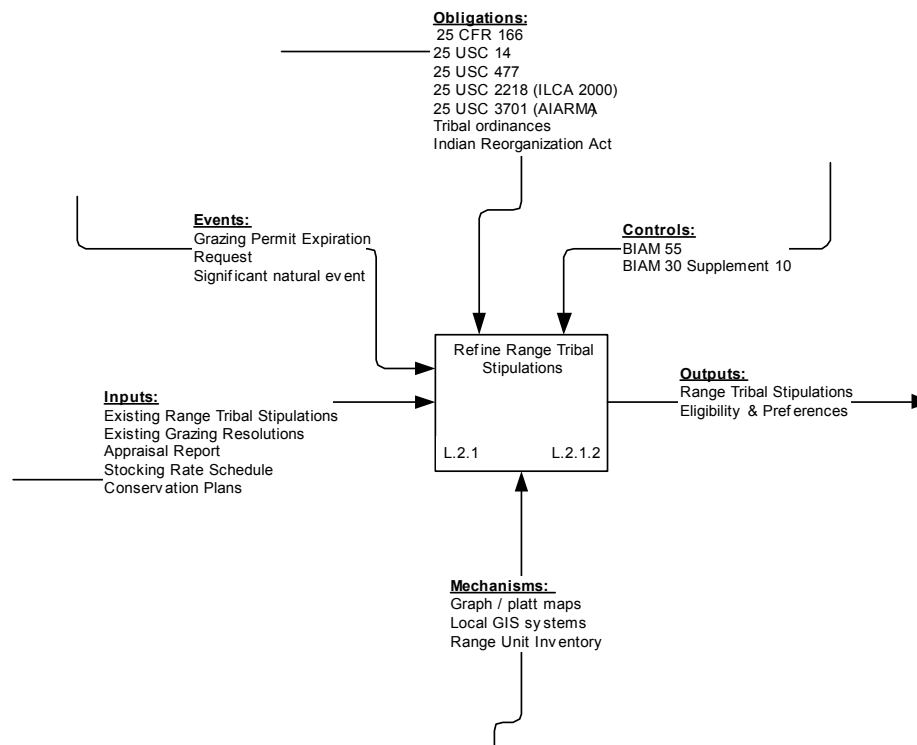


Figure 4.3.5.3- 4 Refine Range Tribal Stipulations IDEF(0)



Refine Tribal Grazing Resolution (L.2.1.3)

Starts with: Receive Range Trust and Tribal Stipulations.

Ends with: Approve and adopt refined stipulations, Tribal Resolutions, and Tribal Ordinances governing the use of rangeland and management of grazing permits.

Tribal authorities receive recommendations from BIA via an Appraisal Report and, if appropriate, a document of Trust stipulation recommendations. Tribal land operations resources review the BIA input and develop Tribal recommendations.

Initial approvals usually include Tribal Range Specialists and a Range or Land Committee, followed by review in other related Tribal departments or committees with approval through a Tribal Council Resolution. Many Resolutions or Ordinances then require a final approval by the Tribal Chairman or Governor.

Some Tribes also request the BIA line official (e.g. Agency Superintendent, or Regional Director) to concur with the Tribal Resolution or Ordinance. This may take place as informal review and consultation, or may be requested in a formal signature of concurrence. BIA involvement is dependent upon the working relationship between the local BIA representatives and the Tribe. The need for such concurrence frequently depends upon the Tribal Constitution, and the level to which unitized tracts (RU's) consist of both Tribal and allotted lands, where BIA approval of stipulations governing allotted lands is mandated. Most Tribal Grazing Resolutions have beginning and ending dates to aid in keeping the rules governing the land use current with existing land and market conditions.

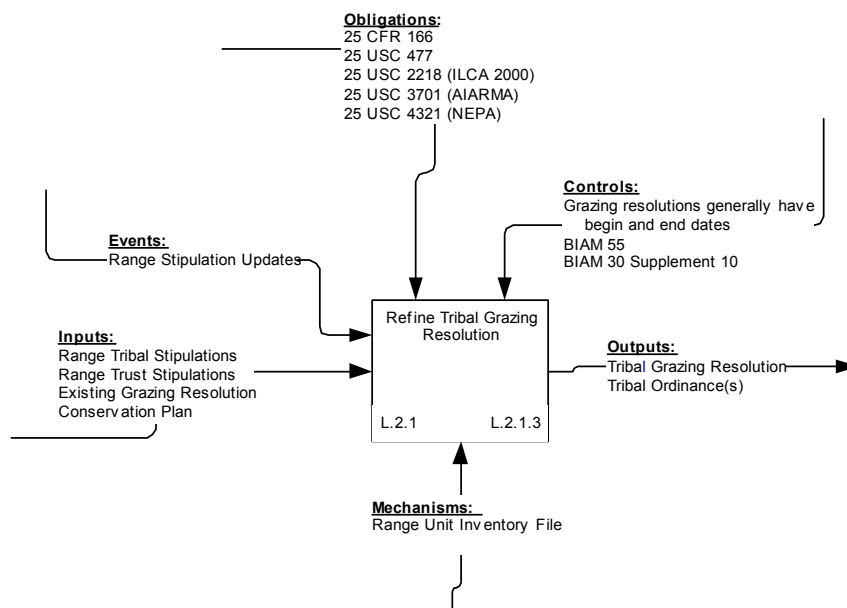


Figure 4.3.5.3- 5 Refine Tribal Grazing Resolution IDEF(0)



Establish Range Unit (L.2.1.4)

Starts with: Receive request to establish a new RU/RMU or range management application.
Ends with: Document Environmental Assessment and decision on land use request.

Three primary situations establish Range Units. First, many Tribes have recently developed sources of revenue and have targeted land acquisition as a priority. They buy existing ranches close to the reservation, bring the land into Trust status, and use it to provide opportunities for Tribal member operators. Second, a few Tribes, notably the Navajo, still have vast sections of open range where existing grazing permittees may apply to establish a fenced management unit. Third, a range management application to install a range conservation measure such as reseeding or brush control may require significant environmental and administrative reviews.

Upon receipt of the request, the Tribal Committee (Grazing/Land/Natural Resource) works with the local BIA office to gather relevant information. The Committee initiates a Tribal review inclusive of NEPA compliance processes, and may request BIA participation.

Any proposed activity or change in land use with potential impact (e.g. breaking the surface) requires a NEPA process to assess the impact, and may include the following:

- a) Impacts to Endangered Species
- b) Cultural impacts
- c) Archeological impacts - defined by National Historic Preservation Act (NHPA section 106)
- d) Soil, water, air quality impacts
- e) A Categorical Exclusion determination (CatEx) on minor projects or activities to eliminate the need for an environmental assessment.

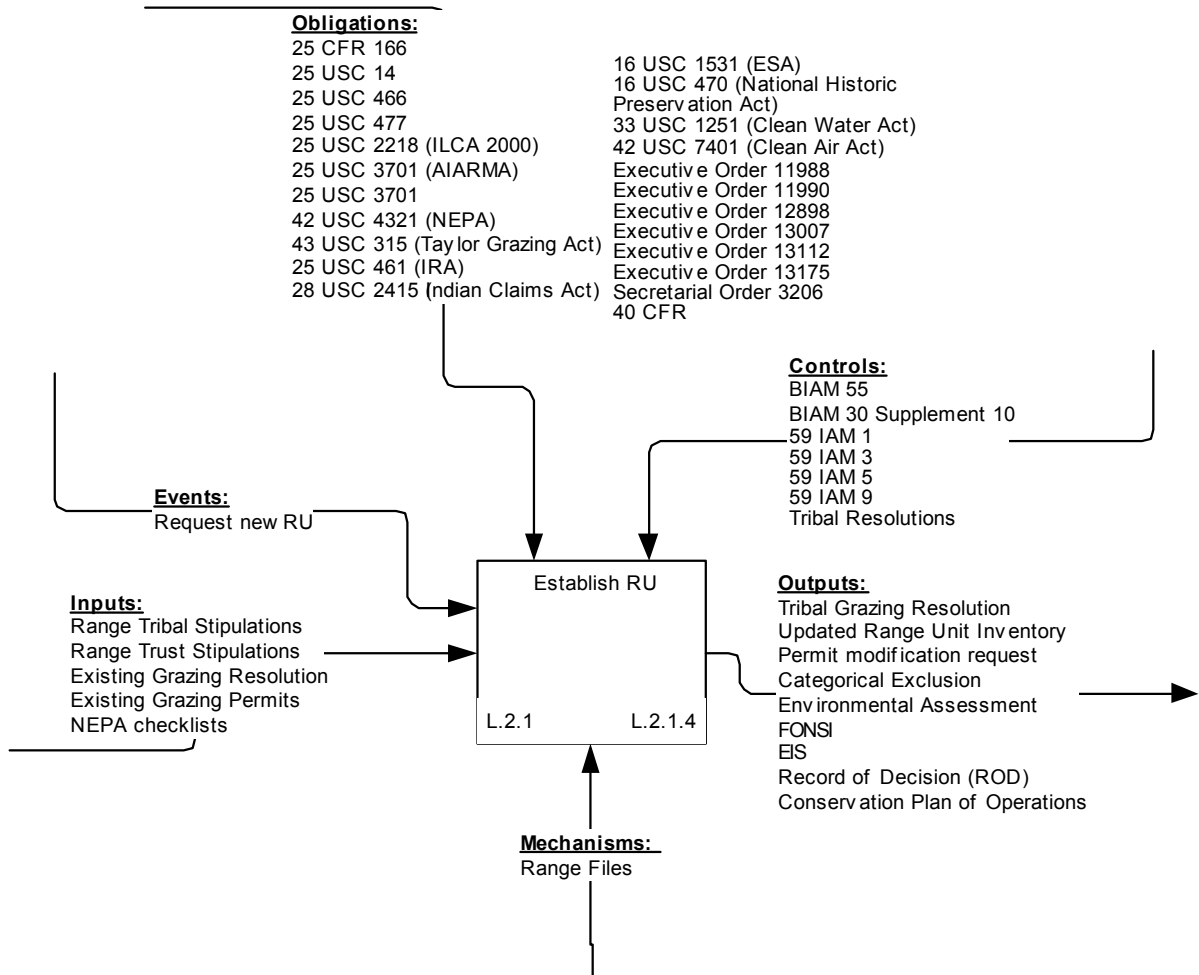


Figure 4.3.5.3- 6 Establish Range Unit IDEF(0)



4.3.5.3.2 Contract Grazing Permit (L.2.2)

Starts with: Prepare draft schedule of range units available for grazing permits.

Ends with: Approve grazing permit.

The inventory of rangeland is reviewed, and a schedule is prepared of land available for grazing permits. Expirations of existing permits, idle or currently non-permitted lands, newly acquired rangeland, and requests for grazing are included in this review. Studies may be performed for any new rangeland or requests to change or improve existing RU's, to assess environmental conditions and impacts. For any fractionated-ownership lands (any lands not 100% Tribally owned), BIA secures consent or exercises authority to grant grazing permits.

BIA agencies, in conjunction with Tribal consultation and interested allotment ownership-interests, sets an appropriate priority sequence of activities for selection of a grazing permittee. A plan is developed for each Tribal reservation, with unique culture, social, land base characteristics, along with current market conditions, to ascertain which selection process is most appropriate for various RU's. Processes include:

- a) Tribal allocation
- b) Negotiated settlement
- c) Open-market bidding
- d) Owner-use

For Tribal lands, the Tribe itself generally performs an allocation process to grant grazing rights to Tribal members. Where for any reason the Tribe is unable to select a qualified operator from Tribal member applicants, the Tribe may request the BIA to assist through either negotiated or bid process to select a permittee.

Once a permittee has been selected, pre-permit payments are collected, approvals are authorized, and the permit is signed and approved. Collections are forwarded or deposited, to FFS for non-Trust funds, and OST/OTFM for Trust monies.

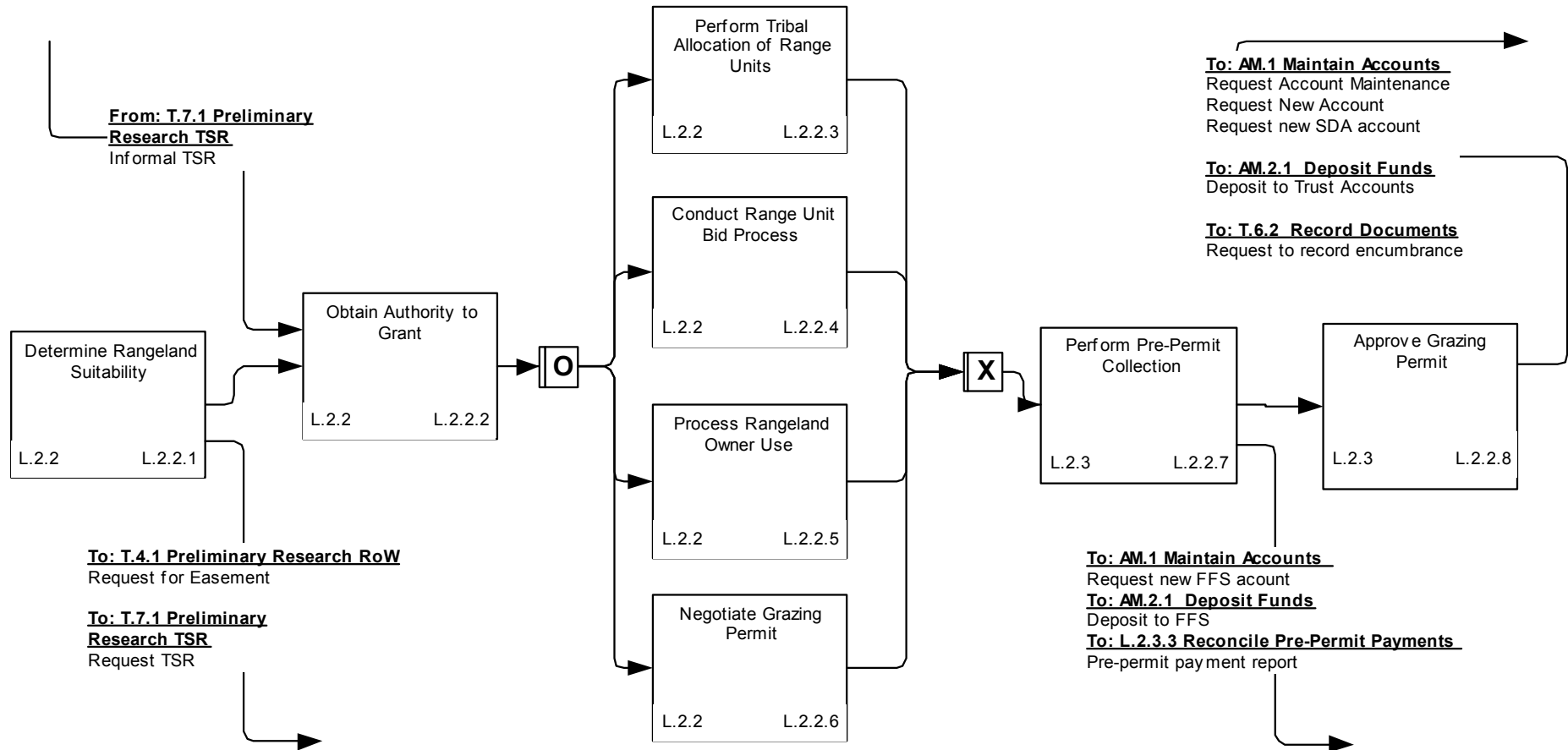


Figure 4.3.5.3- 7 Contract Grazing Permit High Level IDEF(3)



Beneficiary Involvement for Contract Grazing Permit

Discussions are held with Tribes regarding grazing policies. Tribal IRMP's, Resolutions, and Ordinances frequently provide both guidance and limitations as to the land utilization as well as the permitting processes and procedures.

Allotted landowner involvement occurs when their consent is sought through an Authority to Grant notice. This process generally takes place during a period approximately 180 days before the expiration of the grazing permits for the reservation. If majority of ownership-interest consent is not received from the ownership-base, the BIA Line Official is authorized to sign consent for those ownership-interests who have not responded and for those who's whereabouts are unknown

Contract Grazing Permit Significant Notes

- a) There are many combinations of how permittees are selected, and how permits are processed, depending on Tribal land codes, historical land tenure rights and objectives of the Tribe. Some Tribes also have authority through Self Determination Contracts or Self-Governance Compacts to conduct their own permitting or grazing rights processes, which may differ from what is described here.
- b) In many cases, Tribes may confer additional land tenure rights, which may be through a permit, through a Tribal Resolution, or through informal historical-use understandings. This may include rights to prevent other land uses, rights for grazing rights compensation, rights for probating the permit, and rights to sell or transfer permits to other parties.
- c) Direct payments and signing bonuses are a common occurrence between grazing permittees and Trust landowners. These are not described as part of the baseline process depicted here. Such direct interaction bypasses BIA resources, and is frequently untracked. For further detail, see Chapter 5 discussion on direct payment.



Contract Grazing Permit Detail Description

Determine Rangeland Suitability (L.2.2.1)

Starts with: Confirm availability of land for grazing use.

Ends with: Plan permittee selection process, and request Title Status Report (TSR) (see T.7.1).

A suitability assessment is triggered by an Idle Lands report, a utilization report, an expiring grazing permit, a new or refined Grazing Resolution, or a request to graze livestock on the land. The initial activity is to confirm the availability of the land in question. The purpose is to assess the availability and capability of the land for permitting.

The activity includes confirmation of all aspects of the land availability and suitability prerequisite to drafting a grazing permit contract, including title, ownership-interests, land characteristics, estimated value, timing of availability, easements required for access, and development of a Conservation Plan (plan of operations).

BIA staff may perform a field survey to assess current conditions and specify stipulations and terms for the proposed permit. As assessments are completed, RU's are then planned for appropriate permittee selection processes (e.g. negotiate, bid, allocation), TSR's and any required easements are requested from the Title process.

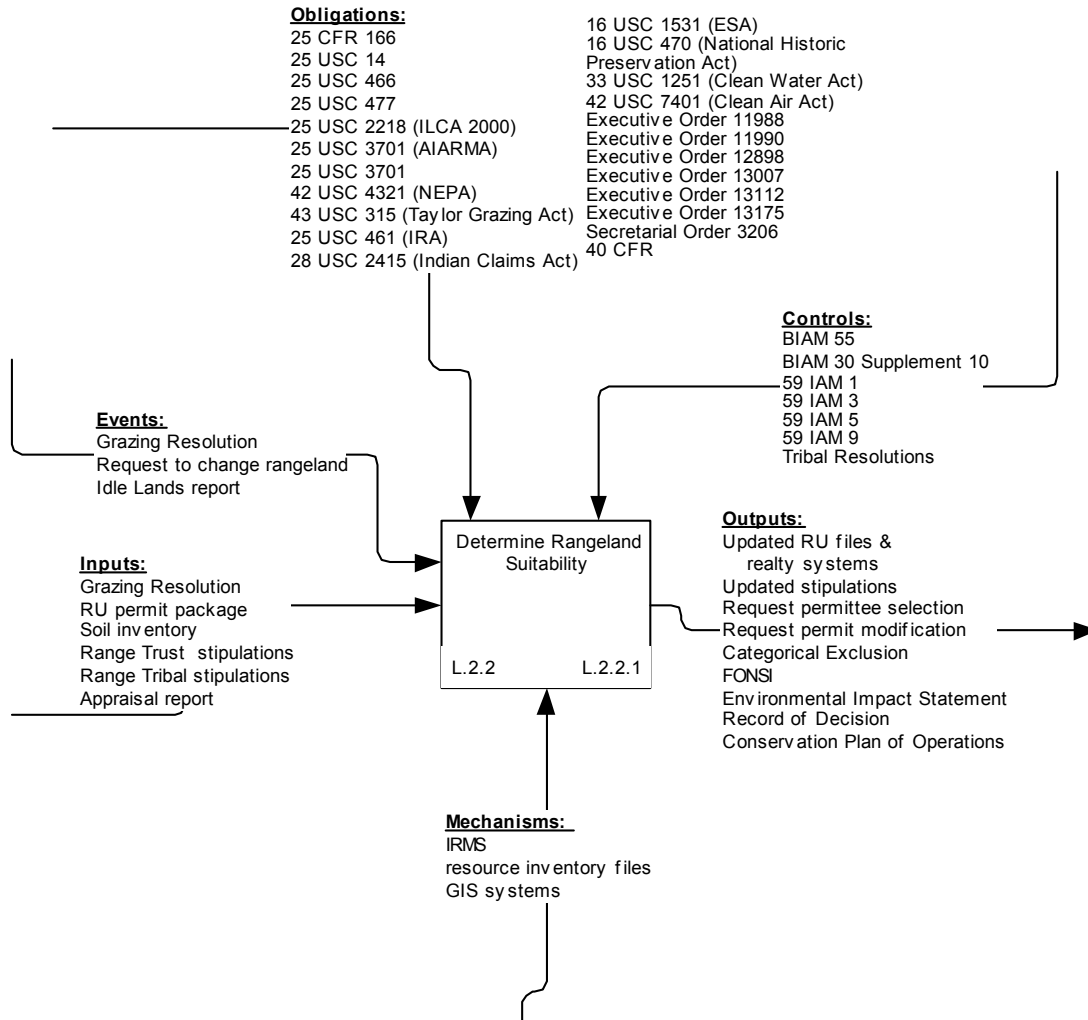


Figure 4.3.5.3- 8 Determine Rangeland Suitability IDEF(0)



Obtain Authority to Grant (L.2.2.2)

Starts with: Issue 90-day Authority to Grant notices to allottees.

Ends with: Prepare land schedule for grazing.

Authority to Grant seeks beneficiary approval allowing the BIA to grant grazing permits on the land in which they have ownership. This is performed for RU's and RMU's containing allotted land ownership-interests. Land 100% Tribally owned bypasses this process.

Land title ownership information is used to determine the proper recipients of the notice. Since many of the tracts included in these RU's have fractionated ownership, this may generate a large volume of workload. For example, it is not uncommon for a single reservation with significant rangeland to mail 8-10,000 notices or consent letters in a permit-expiration year.

Response rates to the notices are generally quite low. This creates additional steps to gain the proper majority ownership consent to authorize the BIA granting of permits. Diligent agencies may send notices up to three times to individual owner-interests, and follow up with telephone calls. Workload is heavily dependent upon the level of fractionation of the ownership interests and the stability of their home addresses.

BIA Agencies frequently have devised their own procedures to accommodate this. Many have created their own "consent forms" with language which passively grants authority to BIA unless response is received to the contrary. Others recognize an original Authority to Grant which may have been sent to owner-interests decades ago, unless a formal request to withdraw the tract from the RU is made.

The following criteria are specified by 25 USC 2218 (ILCA 2000) for BIA to recognize adequate consent to grant grazing privileges:

- a) If less than six owners, 100% of the ownership-interest must provide consent
- b) If 6-10 owners, 80% of the ownership-interest
- c) If 11-19 owners, 60% of the ownership-interest
- d) If 20 or more owners, then a simple majority of ownership-interest

Although the USC specifies the ownership-interest required as detailed above, many agencies still use a simple majority of ownership-interest. Ownership-interest is the cumulative percentage of ownership in the land to be permitted, not the percentage of owners.

Agency Superintendents provide consent for those legally unable to grant authority (e.g. minors) or whose whereabouts unknown and a list of lands are compiled of which consent is secured or more often implied authority to permit is granted by the BIA Line Official.

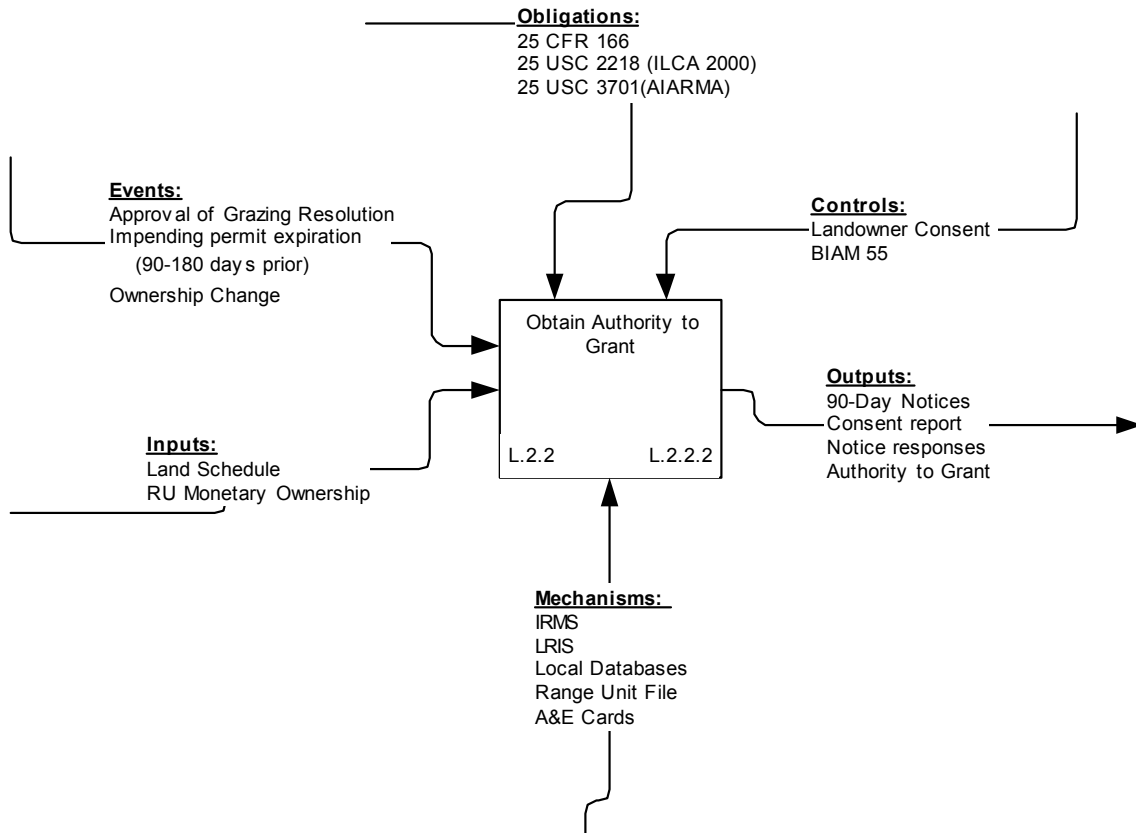


Figure 4.3.5.3- 9 Obtain Authority To Grant IDEF(0)



Perform Tribal Allocation of Range Units (L.2.2.3)

Starts with: New grazing resolution of tribal allocation requirements for the new permit period.
Ends with: Document allocation decisions.

Allocation is performed on RU's with Tribal and allotted ownership. As current grazing rights approach expiration, or when Tribal members request grazing privileges, Tribes may initiate this process. Typically, allocation is the preferred method of distributing grazing privileges and usually a Tribal Grazing/Resource Committee, or Livestock Association performs this process.

Public notice is given, soliciting applications for allocation of RU's or other specified Tribal land for the use of grazing. Allocation applications are received and reviewed for acceptance criteria. Allocation decisions are made according to the Tribe's Grazing Resolution or related Ordinance or Land Code. Specified Tribal preferences and selection criteria are used to decide on which Tribal members receive which RU's. Once the decision is approved, minutes of the Tribal Resource Committee, Tribal Council or other authorized body are forwarded to the BIA Agency Superintendent.

Tribal allocation decisions may also result in not awarding any of the allocation applicants a specified RU, usually based upon lack of a qualified operator. In this instance, the Tribal authority making the decision may determine to allow the land to go idle, or may make a request to BIA to proceed with either a negotiation process or a bid process to select a RU operator.

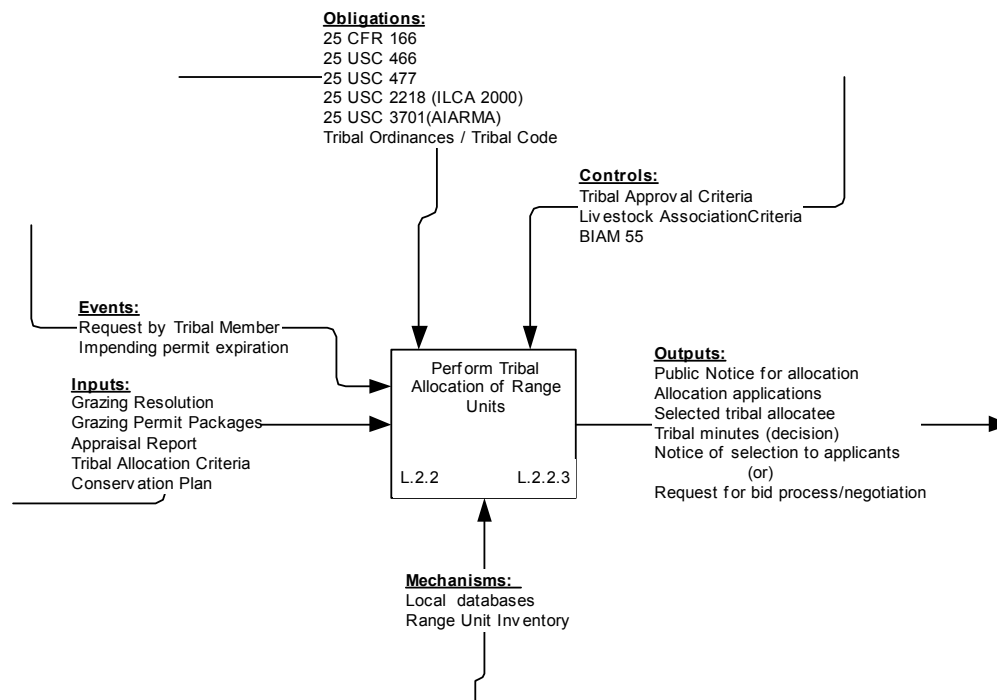


Figure 4.3.5.3- 10 Perform Tribal Allocation of Range Units IDEF(0)



Conduct Range Unit Bid Process (L.2.2.4)

Starts with: The completion of an allocation process where surplus range units are available for sale of grazing privileges.

Ends with: Document an Abstract describing the Bid Process and rationale for selecting the permittee.

The Bid Process is frequently conducted for those tracts or RU's remaining after allocation and negotiation processes have been performed. Additionally, existing permits may be terminated for cause, e.g. nonpayment, and bidding is frequently an appropriate method of selecting a new operator for such property. At this point, it has been determined that open market bidding is the best method of obtaining either a qualified permittee, or obtaining the best grazing rental rate from qualified operators.

Information is compiled from previous suitability and monitoring activities to provide adequate descriptions and create an advertisement. Most advertisements aggregate all RU's to be put up for bid that year on a specific reservation or by a BIA Agency. Public notice and advertisements are distributed, and bid responses are collected. Bid deposits and performance bonds may be required as part of this bid response. A bid opening is held, and a successful bidder is selected. An Abstract is prepared by BIA, documenting the process and rationale to select the winning offer. This may include descriptions of Tribal and owner consultations, criteria employed in selecting the permittee, criteria used in determining acceptable rental rates, etc.

Occasionally, no acceptable bids are received, and BIA may determine to hold another bid process, or to initiate a negotiation process with a known qualified ranch operator to minimize the "idle" time for the RU.

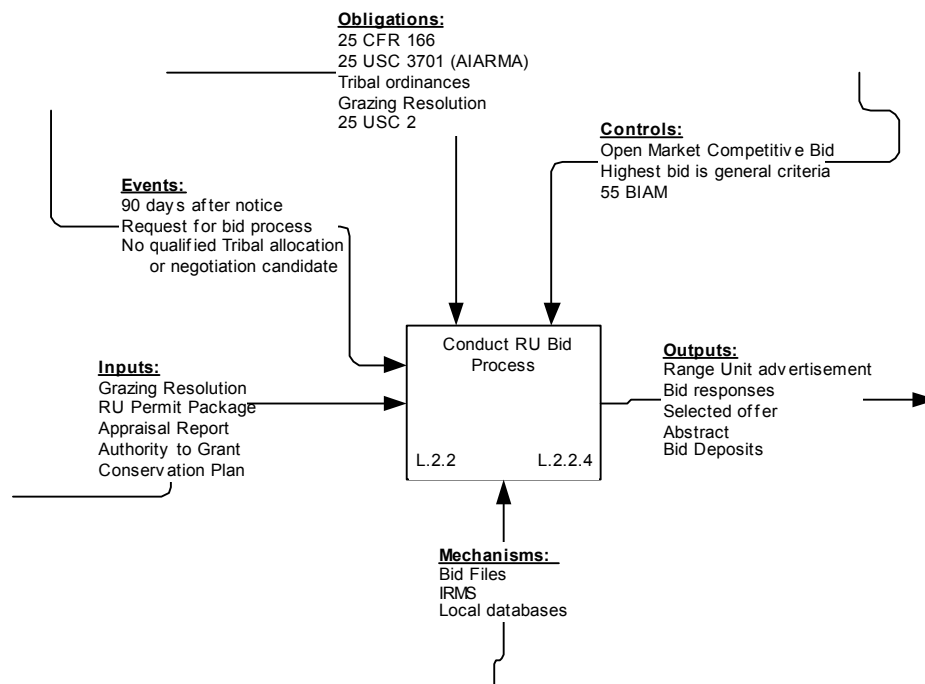


Figure 4.3.5.3- 11 Conduct Range Unit Bid Process IDEF(0)



Process Grazing Owner Use (L.2.2.5)

Starts with: Receive complaint, or, receive owner notification.

Ends with: Update range files, realty, billing and collection records.

Most owner use is identified when BIA receives a complaint or notification of trespass. To a lesser extent, the process is triggered when an owner provides notice of intent to use his or her allotment-interest. Although some owners may be a 100% interest owner, the most frequent situation is usage by one of several co-owners in allotted land.

BIA and the owner intending to use the land contact other co-owners, and request consent to grant usage. Unique forms may be utilized, but the consent criteria are the same as documented under the Obtain Authority to Grant process (see L.2.2.2). Majority consent is obtained, or consent is solicited and there is no objection to owner use. The owner applies to BIA for withdrawal of the land from the RU and any other permitting or usage. BIA Agency Superintendent approves the land withdrawal. If co-owners determine that usage is allowed but a rental payment is required, the requesting owner then elects to either:

- a) Put the tract into Reserve Status, providing for direct payment of rental income to the co-owners, or
- b) Request BIA to process contractual billing and collection with a grazing permit

If no payment is required, BIA records status of the unit as Grazing Exempt from Permit and performs no billing or collection.

Although 25 USC 2218 (ILCA 2000) regulations describe levels of consent required based upon the number of co-owners, the common criteria most commonly used are as follows:

- a) The consent of a simple majority of co-owners
- b) Unanimous consent, if the owner desired to use the allotment without a permit or payment, or
- c) Permit and use by the owner without any documented objection from co-owners

BIA resources then update the range files, realty, and billing/collection records with the appropriate information.

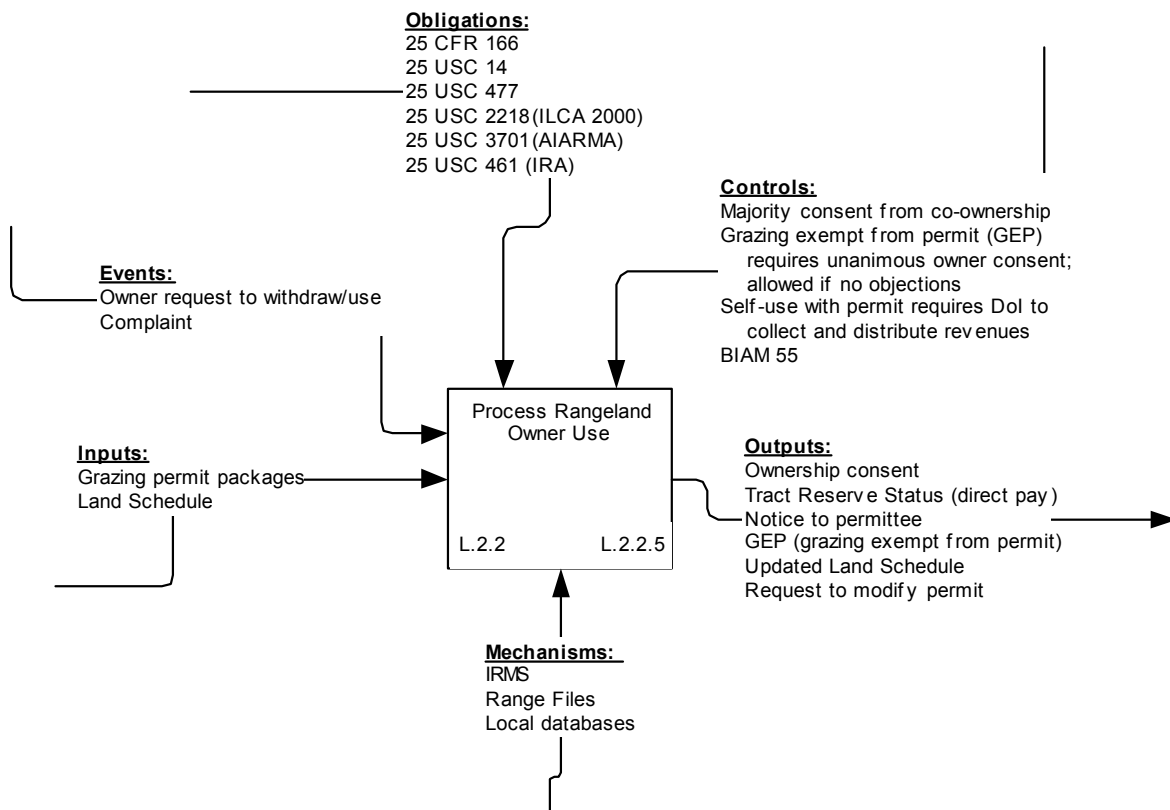


Figure 4.3.5.3- 12 Process Grazing Owner Use IDEF(0)

Negotiate Grazing Permit (L.2.2.6)

Starts with: Receive application for grazing permit.

Ends with: Update range files, realty, billing and collection records.

Negotiation is planned in priority sequence to select a permittee during the Determine Rangeland Suitability process. At this point, it has been determined that negotiation is the best method of obtaining the most qualified permittee at the best grazing rental rate.

Most RU's processed through this activity are negotiations with the existing operator to continue ranch operations through another permit period but this varies greatly from Tribe to Tribe. Permittee renewal rates frequently approach 80+%, and provide a consistent relationship with a known operator. For the remainder, BIA Agency Range Specialists seek out candidates and negotiate the best terms possible, with inputs from the Appraisal Report, the BIA Regional Director's minimum Animal Unit Month rental rate, and any existing Range File information and Conservation Plans.

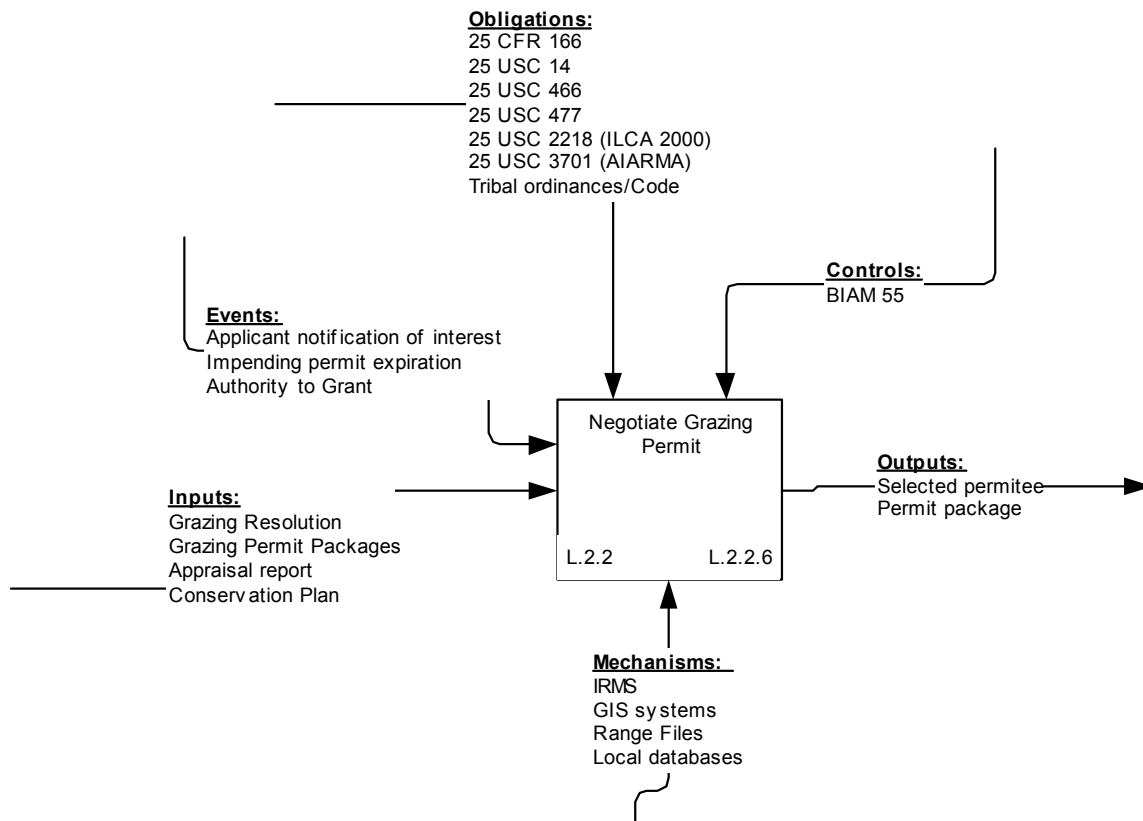


Figure 4.3.5.3- 13 Negotiate Grazing Permit IDEF(0)



Perform Pre-Permit Collection (L.2.2.7)

Starts with: Receive pre-payment from permittee.

Ends with: Forward deposits to FFS.

Generally, collection of pre-permit payments overlaps with the following activity, Approve Grazing Permit, since many permittees physically come to the BIA Agency Office and submit payment at the same time they sign the Grazing Permit. Pre-permit collection may also overlap with the permittee selection activities, specifically if the Conduct RU Bid Process has been performed, where bid deposits and performance bonds may be received. Payments are also received through other mechanisms such as the mail.

Requests may be sent to the Accounting process to create new suspense or Special Deposit Accounts (SDA's). SDA's are used for funds collected which are not Trust monies, or which are collected far enough in advance of permit approval that they need to be kept segregated from any Trust monies available for distribution to beneficiaries. Bills for Collection are prepared and a copy is given to the permittee. The bills may be created 30-60 days ahead of payment due date, as an invoice to the permittee, or they may be created after payment has been made, as a receipt.

Receipts are recorded in a mail and/or collections log. Where adequate staff allow, both a Mail Clerk and a Collections Specialist log the payment, both segregated in duties from the person performing billing. Payments are recorded into appropriate realty, billing and collection systems, and may include receipts for any of the following charges:

- a) First year rental fees
- b) Preparation and administrative fees
- c) Bid deposits
- d) Performance bonds
- e) Tribal fees and taxes

Once the permit is approved, the program specialist prepares deposit and distribution advice. Distribution advice is calculated from whatever ownership percentage records the specialist has currently available. Deposits of non-Trust monies (e.g. bid deposits, cash bonds) are forwarded to FFS with deposit advice. Surety bonds and non-cash items are generally retained in a BIA Agency safe.

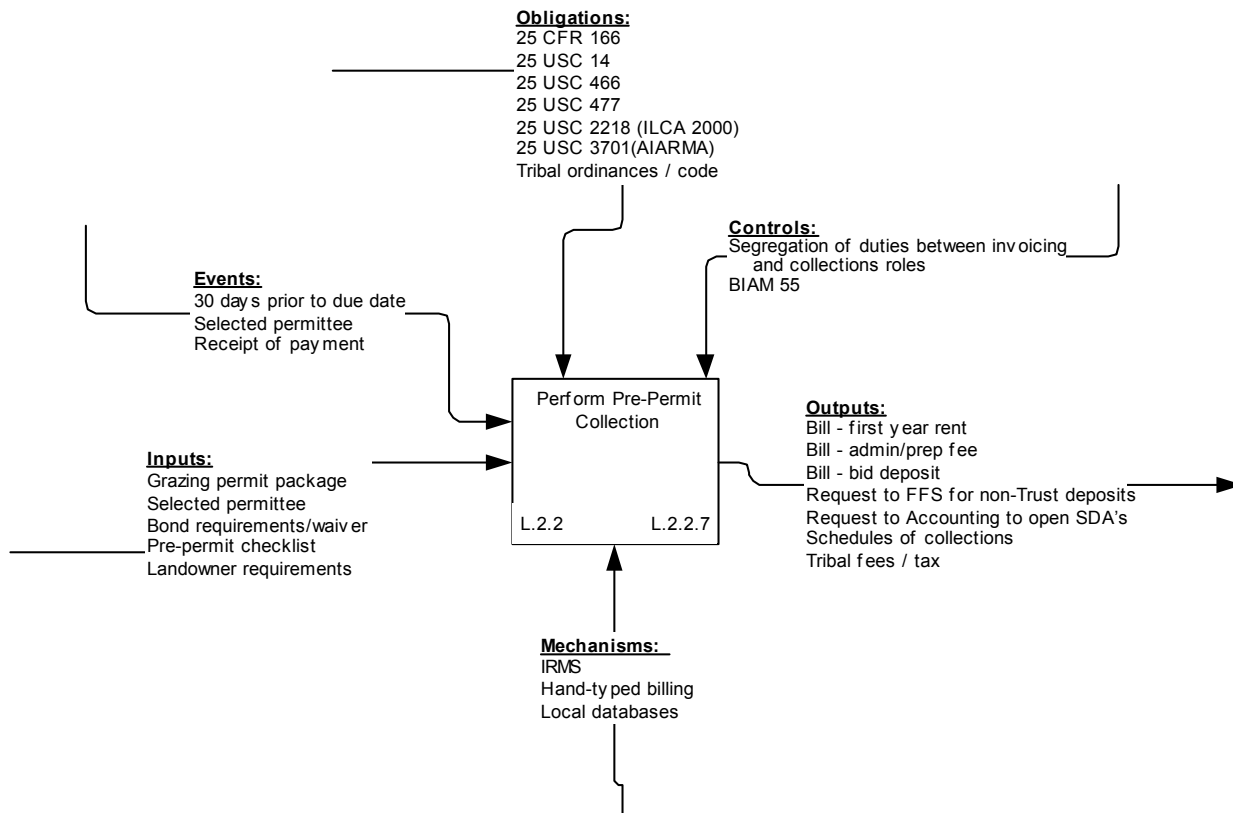


Figure 4.3.5.3- 14 Perform Pre-Permit Collection IDEF(0)



Approve Grazing Permit (L.2.2.8)

Starts with: Confirm completion of pre-permit checklist.

Ends with: Forward Trust money deposits and distribution advice to Accounting process.

Each Grazing Permit package utilizes a pre-permit checklist, including where appropriate, specific terms and conditions which must be completed prior to approval of the permit. Examples include, but are not limited to:

- a) Payment of pre-permit rentals and/or fees and bonds if applicable
- b) Agreements on range control stipulations and conservation plans

The Grazing Permit package is finalized and assembled. Authorized parties conduct review and approval of the package. This is normally limited to the permittee, the Range Specialist and BIA Agency Superintendent. Copies of the permit are signed and approved. All realty, billing, and collection systems are updated with final permit information.

Payments of Trust monies are forwarded to Accounting for deposit with the distribution advice prepared during Perform Pre-Permit Collections. If funds have been collected and deposited in either a SDA or deposited to FFS, then the distribution advice is accompanied by a transfer request to Accounting for transfer of the funds from the suspense accounts or FFS accounts to OST/OTFM accounts. Requests may also be sent to Accounting to set up appropriate accounts for future operational billing and collection.

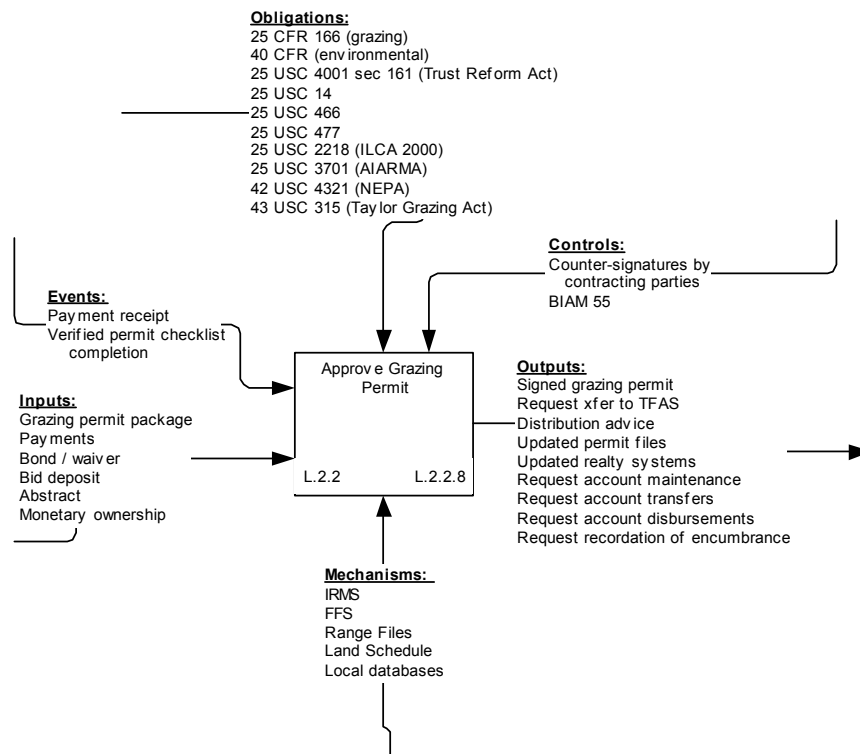


Figure 4.3.5.3- 15 Approve Grazing Permit IDEF(0)



4.3.5.3.3 Manage Grazing Revenue (L.2.3)

Starts with: Perform annual billing and collection for grazing permit payments.

Ends with: Reconcile distribution advice errors and undistributed funds.

Annual billing invoices are sent to permittees, and payments are collected for grazing rentals.

Periodic reviews of collected but undisbursed payments are reconciled. This may include monies such as unreturned bid deposits, cash bonds for performance guarantees, and grazing rental payments not yet deposited to Accounting processes for distribution.

Regular reviews and reconciliations are also performed during the annual billing collection cycle. Reviews typically cover a single quarter (three month period) of the year, reviewing for errors encountered in deposit and distribution advices forwarded with the rental payments. The BIA Agencies collect the payments and usually prepare the distribution advice from different information sources other than the OST/OTFM Accounting system, which result in errors and transactional rejections. Such payment transfer interface inconsistencies need to be researched and resolved for the monies to be deposited to the correct beneficiary accounts and eventually distributed.

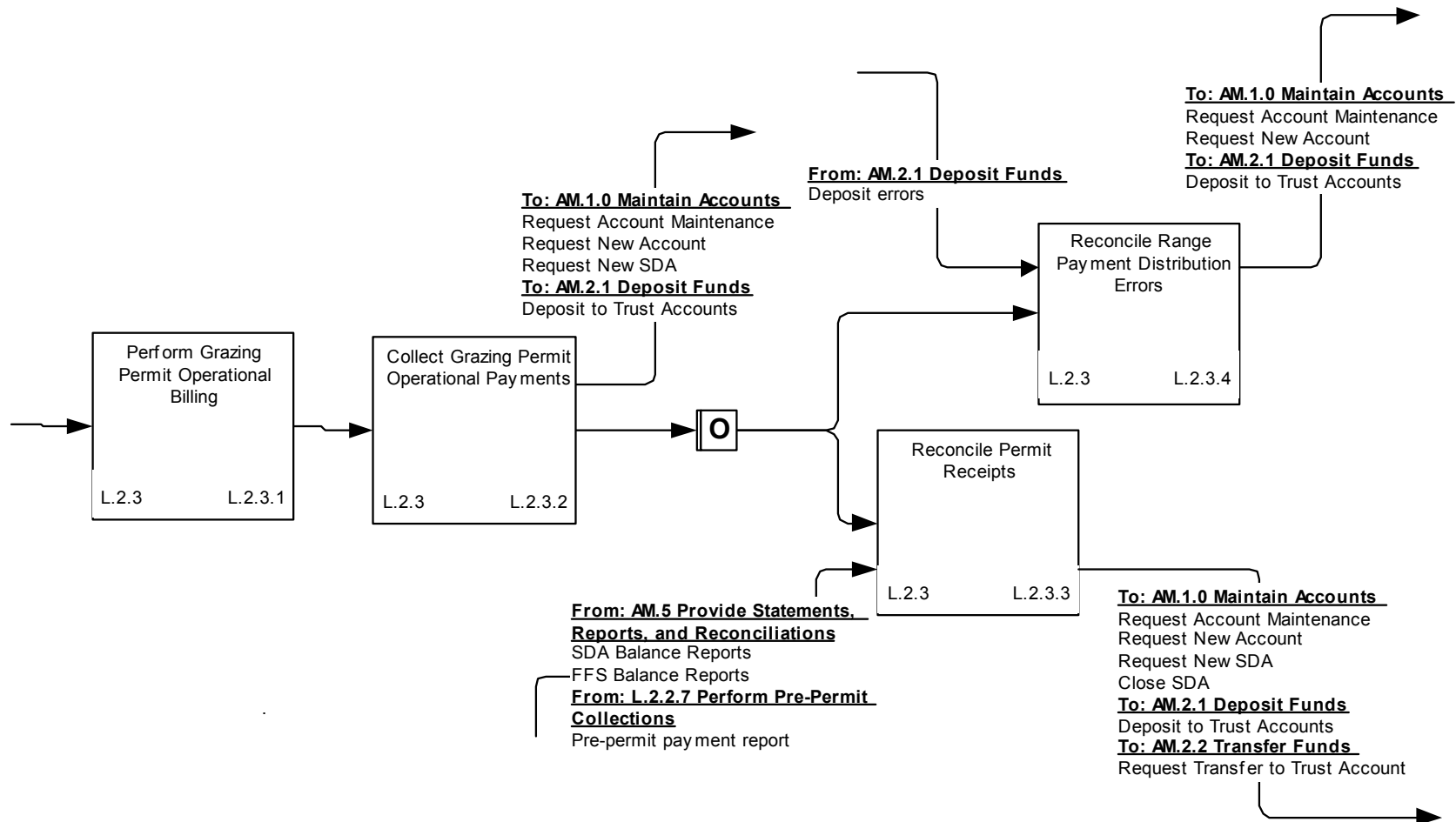


Figure 4.3.5.3- 16 Manage Grazing Revenue IDEF(3)



Beneficiary Involvement for Manage Grazing Revenue

The beneficiaries are involved only to the extent they may receive grazing rentals. As described in the variance tables, direct payments from grazing permittees to landowner-interests frequently do occur and involve direct receipt of funds by the beneficiaries.

Manage Grazing Revenue Significant Notes

- a) Large suspense account or SDA balances exist at some of the BIA offices. Various payments of bid deposits, cash bonds, administrative fees, and grazing rental payments are received, usually by BIA Agencies, and deposited into an SDA or suspense account. A time lag may occur until these funds are disbursed. Bid deposits cannot be returned until after bid opening and permittee selection. Rental payments cannot be forwarded to OST/OTFM until a distribution advice has been prepared which is accepted by OST/OTFM systems. As a result, balances of Trust and non-Trust funds accumulate.
- b) Changes in OST/OTFM policies and procedures regarding payment collection, recordation, preparation of distribution advice, and deposit have changed several times within the last 18 months.
- c) BIA Field Offices and Agencies, Tribes under 638 contracts, or Tribes under Self-Governance authority all may perform collections for grazing permits involving allotted land interests. Most of these resources do not have access to ownership records or the distribution information necessary to prepare accurate distribution advices.
- d) Distribution advices frequently have error rates described at approximately 2-5% on a remittance/ ownership-interest line item basis, which commonly translates to approximately 15-20% when aggregated to all line items for a beneficiary distribution. For example, a beneficiary may have ownership-interests in six tracts of land. Distribution advices are prepared for each RU/tract/ownership-interest. If 3% of the RU/tract/ownership-interest distribution amounts are in error, then the beneficiary may have an 18% chance of an error (six tracts x 3% = 18). Most errors result in a delay in processing the distribution to the beneficiary. Some result in an actual payment in error, either to the wrong beneficiary, or a wrong amount to the correct beneficiaries. [See the Reconcile Range Payment Distribution Errors process description and Chapter 5 discussion on distribution errors for more detail.]



Manage Grazing Revenue Detail Description

Perform Grazing Operational Billing (L.2.3.1)

Starts with: Generate invoice 30 days prior to permit payment due date.
Ends with: Invoices are issued.

Most agencies issue separate invoices, one for the annual grazing permit rental payment, and another for any administrative/preparation fees where such fees are charged annually.

Invoices are delivered via mail, certified mail, or in person, to the permittee as determined by the BIA Line Official.

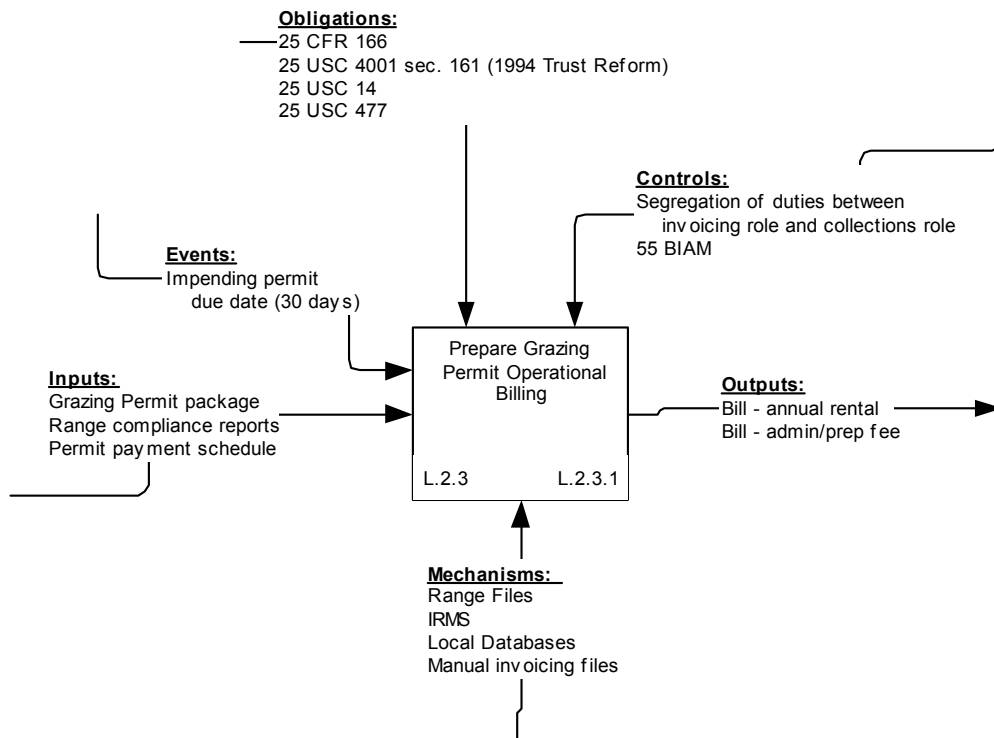


Figure 4.3.5.3- 17 Prepare Grazing Permit Operational Billing IDEF(0)



Collect Grazing Permit Operational Payments (L.2.3.2)

Starts with: Receive payment, or, record no payment by annual grazing permit due date.

Ends with: Forward Trust money deposits and distribution advice to Accounting process.

All payments received by BIA are logged, recorded, and deposited. Permittees may also submit a "proof of direct payment" (e.g. in the form of a copy of a cancelled check). When no payment is received, payment is not in full, or if payment does not arrive on a timely basis, a set of collection processes are initiated (see Monitor Range Unit L.2.4.1, and Perform Range Unit Enforcement L.2.4.2).

Bills for Collection are created after payment has been logged, and forwarded to the permittee as a receipt.

Payments are recorded in a mail and/or collections log. Where adequate staff allow, a Mail Clerk and a Collections Specialist each log the payment, both segregated in duties from the person performing billing. Payments are recorded into appropriate realty, billing and collection systems, and may include receipts for any of the following charges:

- a) Annual rental fees
- b) Preparation and administrative fees
- c) Tribal fees and taxes

The program specialist prepares deposit and distribution advice. Distribution advices are calculated from whatever ownership percentage records the specialist has available currently.

Payments of Trust monies are forwarded to Accounting for deposit with the distribution advice prepared during Perform Pre-Permit Collections. If funds have been collected and deposited in either an SDA or deposited to FFS, then the distribution advice is accompanied by a transfer request to Accounting for transfer of the funds from the suspense accounts or FFS accounts to OST/OTFM accounts. Requests may also be sent to Accounting to set up appropriate accounts for future operational billing and collection.

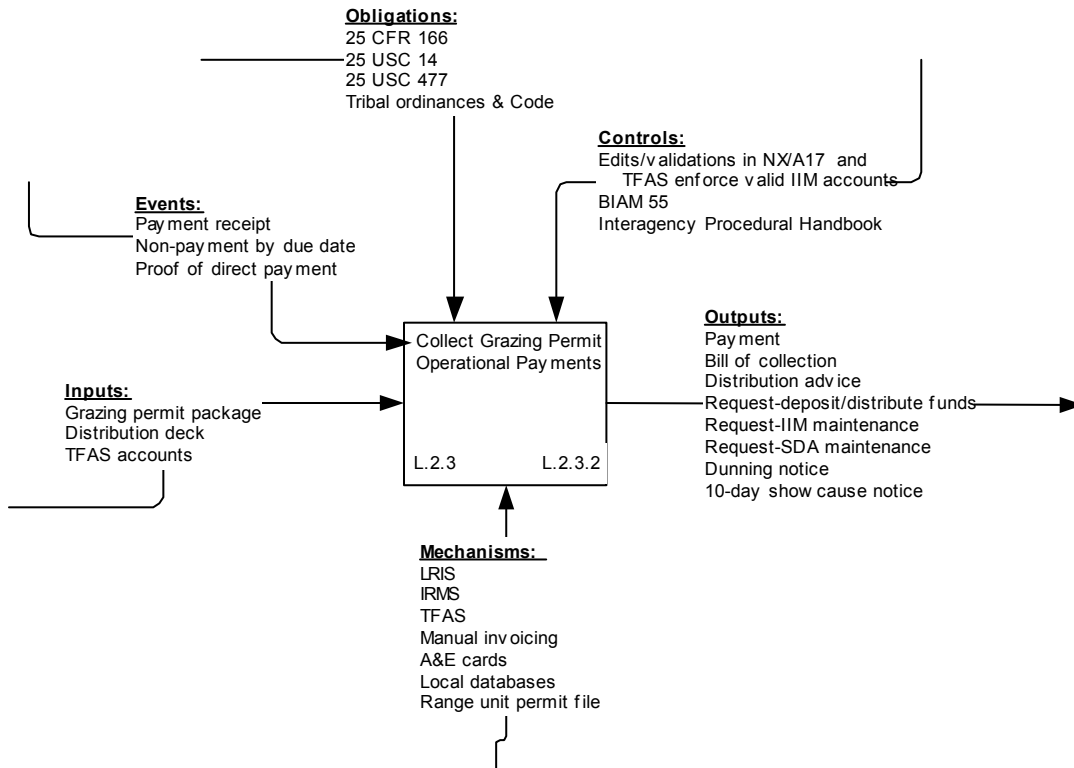


Figure 4.3.5.3- 18 Collect Grazing Permit Operational Payments IDEF(0)



Reconcile Permit Collection Balances (L.2.3.3)

Starts with: Receive request to reconcile undistributed payments.

Ends with: Request Accounting transfer or distribution of funds, and, prepare reconciliation report.

Funds accumulate in suspense or SDA accounts from payments received during Contract Grazing Permit, or Manage Grazing Revenue processes. Sources include both non-Trust and Trust monies, and the Trust monies include revenue distributable to beneficiaries as well as administrative/preparation fees and Tribal fees or taxes. For example, SDA's may have a balance accumulated from bid deposits from a previous year's permitting, cash bonds deposited from a permit currently in force, and current grazing rental payments not yet transferred to an OST/OTFM account for distribution.

Accumulated SDA balances exist for many reasons. Accounting in the OST/OTFM organization has requested that agencies not accept funds as Trust monies until a valid contract exists (e.g. lease, permit). SDA's, as permitting activities require some payments to be collected one to six months prior to the permit award. Accounting policies also require certain accounts to accrue interest, while others are prohibited from accrual. Accounting and range processes may not calculate the same amounts, resulting in a balance remaining in suspense until equivalency is achieved and amounts can be transferred between the processes.

Balances are researched and reconciled. Certain balances are reduced via refund to depositors (e.g. for bid deposits on permits which have been awarded to other operators), or via transfer of funds to IIM accounts. Some balances (e.g. current year payments in process of developing distribution advices) must be retained until adequate information is obtained to accurately resolve the rightful disbursement.

Once reconciled, requests are made to the Accounting process to correct any inconsistencies and return, or transfer and distribute the funds. These requests can take the form of:

- a) Account maintenance
- b) New accounts
- c) New SDA's
- d) Close SDA's
- e) Deposit funds to Trust accounts
- f) Transfer funds to Trust accounts (e.g. from an SDA or FFS to an OST/OTFM account)

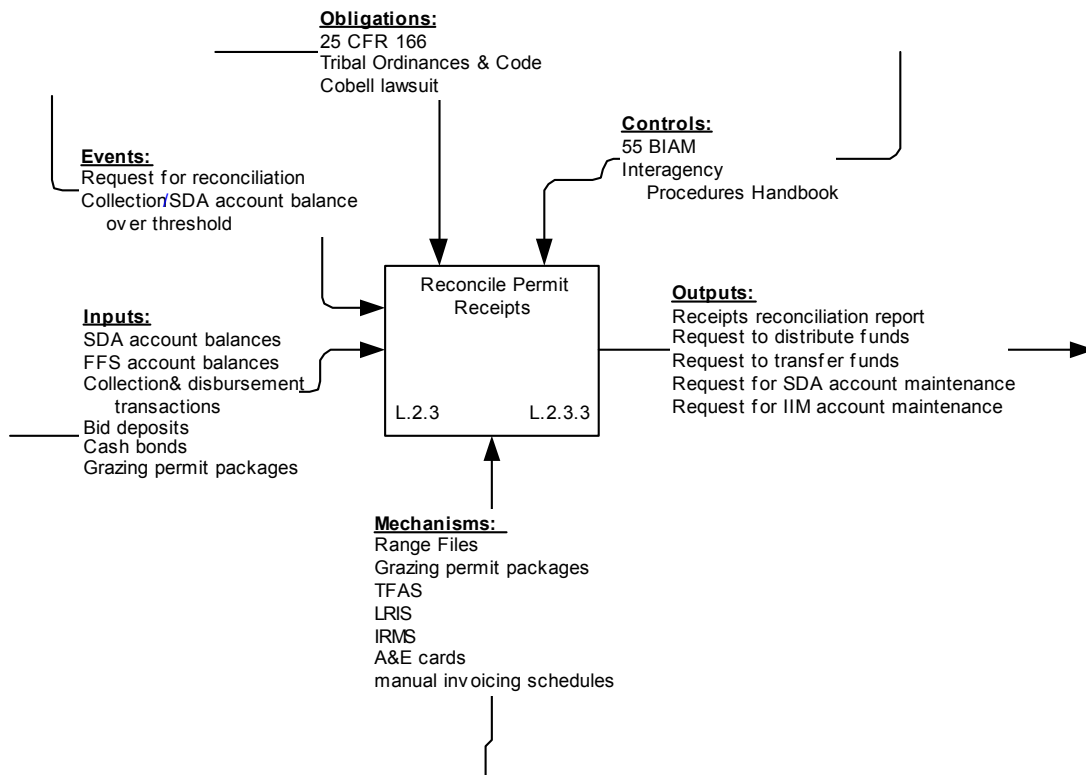


Figure 4.3.5.3- 19 Reconcile Permit Receipts IDEF(0)



Reconcile Range Payment Distribution Errors (L.2.3.4)

Starts with: Receive error notification from Accounting process.

Ends with: Request Accounting transfer or distribution of funds, and, prepare reconciliation report.

Distribution advices are prepared during billing and collection activities as described in Approve Grazing Permit (L.2.2.8) and Collect Grazing Permit Operational Payments (L.2.3.2). The sources of information for the preparation of the distribution advices are based upon the ownership-interest information available in the field office or agency where the advices are created. This information may not be consistent with the information utilized by OST/OTFM for the transfer, deposit to a Beneficiary account, and eventual distribution.

When inconsistencies are encountered, the transactions cannot be processed. The activities performed in this process include reconciliation and correction of errors and rejections encountered in the Accounting processes. [See the "Significant Notes" above, or Chapter 5 discussion of distribution errors for further detail.]

Manual transfers of a check and distribution advice encounter similar problems as those agencies or regions performing an electronic transfer of the distribution advice. Edit and validation activity occurs during overnight, batch transfers or voucher transfer entry as part of the Accounting process. Fund collections are reported in local agency systems, usually local or regional in their design and operation. The records of individual Indian accounts in these systems are frequently not identical to the records used by the OST/OTFM headquarters in TFAS. Distribution advice information is first processed through an A17 system which provides a front-end edit, validation and common interface into TFAS. Inconsistencies may exist between each of these three systems (agency, A17, TFAS). Hence, an inconsistency may be found in the A17 system, researched, and corrected only to find an additional error rejection found at time of attempted posting to TFAS. Errors are researched, and various agencies, regions and headquarters are contacted to collect the reconciling information. Corrections are then made and submitted for resolution.

Many sources of errors exist, but prevalent examples include:

- a) Inconsistent spelling of name
- b) Inconsistent enrollment number
- c) Inconsistent calculation of interest accruals
- d) Ownership interests on a specific collection payment's distribution advice not totaling 100%
- e) Youpee corrections in TFAS may not be consistent with local ownership records
- f) Probate ownership updates may be recorded at different times in the different systems (e.g. Accounts may already be closed for distribution, yet the distribution advice indicates the deceased.)

Uncertified TSR's may be requested from the Title process to reconcile the errors regarding ownership. Corrections are made to bring the processes and systems into alignment, and the funds transfers and deposits are reprocessed.

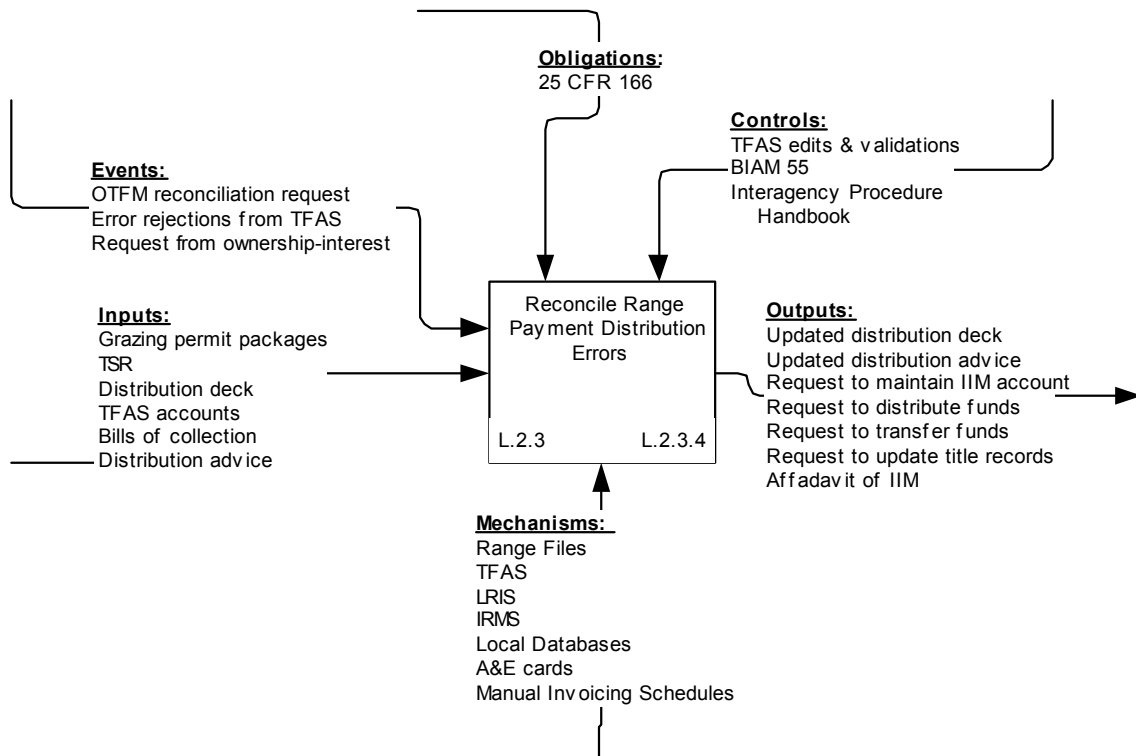


Figure 4.3.5.3- 20 Reconcile Range Payment Distribution Errors IDEF(0)



4.3.5.3.4 Manage Rangeland (L.2.4)

Starts with: Monitor RU's for compliance.

Ends with: Close grazing permit and request final funds distribution.

Range utilization, precipitation; livestock counts; trespass; and financial compliance are all monitored as part of this process. When complaints are received or non-compliance is observed, enforcement activities are initiated. Requests for changes may be reviewed and approved, resulting in modifications of existing permits. However, when the violations are of sufficient magnitude, permits may be terminated for cause. Most typical terminations are for non-payment.

Periodic inspections, both of the land, the livestock, and financial compliance, are performed. Inspections may be formal and scheduled in nature, such as turn-in and turn-out dates (when livestock are moved on or off the property), or they may be informal in nature, such as "drive-by" casual sight inspections to ensure there are no flagrant breaches of permit terms or material changes to the condition of the land. Concurrently, rangeland is monitored from a biological perspective to tract range health and productivity. Adjustments to the stocking rates are based on annual range utilization studies and livestock counts.

Upon closure of the permit, requests are made to transfer and distribute funds as appropriate. If non-compliance has caused damage, a request may be made to transfer performance and surety bonds, or deposits in FFS to the Trust funds to compensate for the damages incurred. Otherwise, requests are made to return such deposits to the permittee.

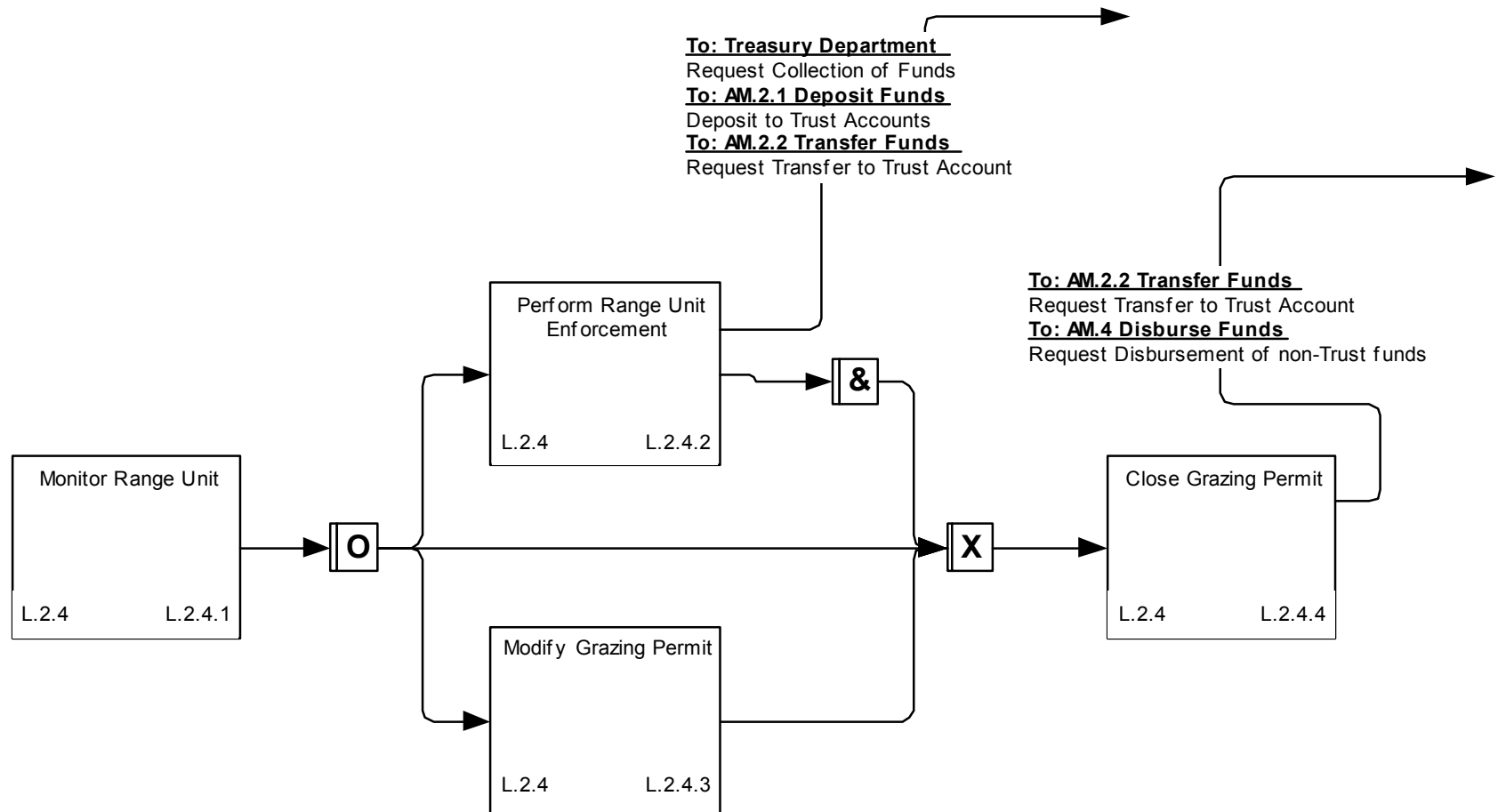


Figure 4.3.5.3- 21 Manage Rangeland IDEF(3)



Beneficiary Involvement for Manage Rangeland

Individual landowners or allotted-owner-interests are involved to the extent they monitor their own tract areas and report complaints to either BIA or Tribal authorities for resolution. This is the primary method of identifying non-compliance on rangeland.

Tribes, especially those with 638 contracts or Self-Governance compacts, frequently have funds provided to staff range technician and/or law enforcement roles, and may perform their own monitoring and enforcement.

Manage Rangeland Significant Notes

- a) Most of the Trust rangeland experiences minimal inspection and compliance monitoring, with workload and inadequate staff as the primary limiting factors. It is common to encounter BIA Agencies where 5-10% of the RU's are inspected on an annual basis, and rely primarily upon owner or operator complaints. Most Agencies report they have experienced reductions of 50% to 90% in range program staffing over the last 30 years.
- b) Where inspections are performed, there is a high incidence of non-compliance. Many agencies described 70-90% non-compliance rates when a formal inspection and RU monitoring report were completed.
- c) Many BIA Agencies have split the responsibilities for the Manage Rangeland process between BIA, Tribal range and law enforcement officers, and public law enforcement agencies.
- d) Reservation and PDA's where Public Law 280 is in effect have great difficulty in engaging management and enforcement activities by BIA/Tribal officials. Local law enforcement authorities are reluctant to prosecute trespass, due to the high threshold of damages required for action, and due to other priorities and demands.
- e) Programmatic reviews of self-governance Tribes occur once per year. However, they are limited to documentation review and often do not include on-site assessment of range program operations and land conditions.



Manage Rangeland Detail Description

Monitor RU (L.2.4.1)

Starts with: Receive a complaint of non-compliance, schedule range data collection or compliance inspection of RU.

Ends with: Prepare inspection report or range survey documents and, may request appropriate enforcement actions.

Numerous events or changes may trigger compliance monitoring. Although some formal, scheduled monitoring activities take place resulting in a report, most are triggered by informal activities or passive notifications:

- a) Notice of complaint or compliance issue
- b) Non-payment of annual permit fees
- c) Livestock violations (fences down, with livestock trespassing)
- d) Asset changes (natural events e.g. flood, fire, drought)

Most monitoring is based on seasonal schedules, events, and the availability of resources. For example, spring movement of cattle onto RU's or fall movement of herds off RU's (turn-in and turn-out) are key times to perform inspections and animal counts. An inspection may also gather information on other permits in adjacent areas.

An inspection report is completed noting the dates, conditions, and compliance characteristics observed. Information collected includes the recording of land conditions and usage to determination of permit compliance.

Scheduled monitoring and range condition surveys of the land are performed to ensure sustainable yield management is maintained. This includes annual range forage utilization surveys, noxious and invasive weed surveys, precipitation data gathering and livestock counts.

Very little inspection is performed for non-leased land, whether listed as idle tracts available to be leased/permitted, or unused. This is due primarily to lack of funding or staff to perform adequate compliance monitoring. This frequently results in trespass, dumping, and other non-compliant activity on these lands.

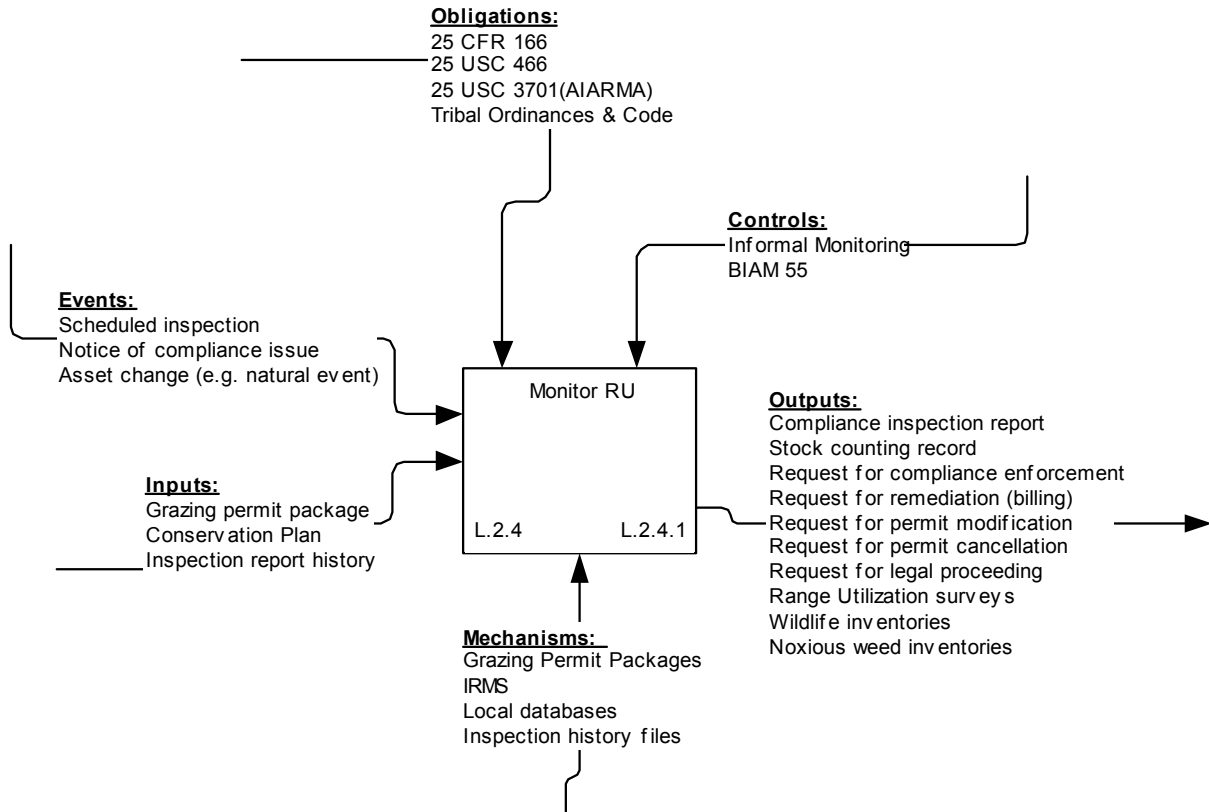


Figure 4.3.5.3- 22 Monitor Range Unit IDEF(0)



Perform RU Enforcement (L.2.4.2)

Starts with: Receive request for enforcement, or have identified a compliance problem from monitoring activities.

Ends with: Mediate acceptable resolution, or, request termination of permit for cause.

Most enforcement is performed with a guiding principle of retaining a viable working relationship with landowners, Tribes, grazing permit operators, and any other interested parties. Typically, initial interactions for enforcement regarding a noncompliant event are verbal, informational warnings with request to resolve the issue. If the item remains unresolved, a 10-day show-cause notice is issued, giving the offending party 10 days to show justifiable cause or resolve and eliminate the issue. Left unresolved, the agency specialist may confer with the BIA Superintendent or BIA Regional Director to determine appropriate actions. Results may include billing for damages, referring the matter to Tribal law enforcement, or requesting permit termination for cause.

Approximately 10-15% of inspections yield enforcement actions, after informal resolution efforts. Most of this is seasonal, during the June-September timeframe, due to seasonality of grazing during the summer, and that the remainder of the year is mostly consumed by contract administration, billing, and collection activities. Financial non-payment may be turned over to the Treasury Department for collection via a Request for Collection of Funds.

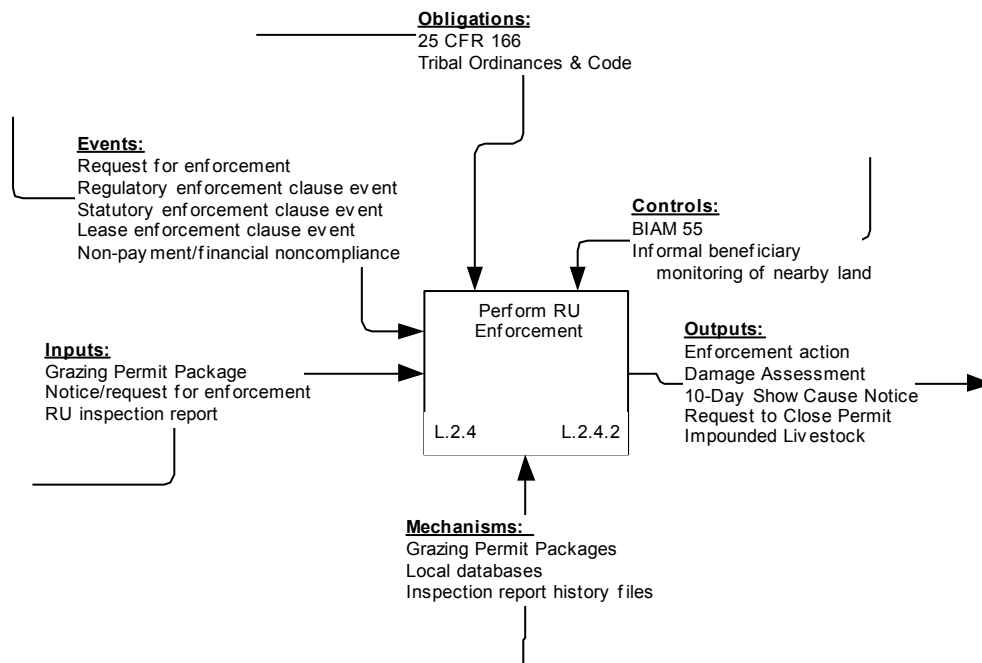


Figure 4.3.5.3- 23 Perform RU Enforcement IDEF(0)

Modify Grazing Permit (L.2.4.3)

Starts with: Receive request to change grazing permit.

Ends with: Sign modified contract by all contracting parties.

Various events may trigger the request to change a Grazing Permit. Examples include:

- a) Change to a rental rate
- b) Additions or deletions of land to the area covered by the permit
- c) Change to the season or dates of use
- d) Change to the breeds, sex or types of animals allowed
- e) Requests for assignment, transfer, or joint-tenancy of rights
- f) Advance payment requests
- g) Clerical mistakes in the compilation of the original permit

The request is reviewed by the range or realty specialist and approved by the BIA Superintendent. If approved, both permittee and BIA Superintendent sign and approve the modification. Most clerical mistakes are corrected and modified without signature. Landowners may be notified if there are changes impacting the rental rates, and their expected distributions.

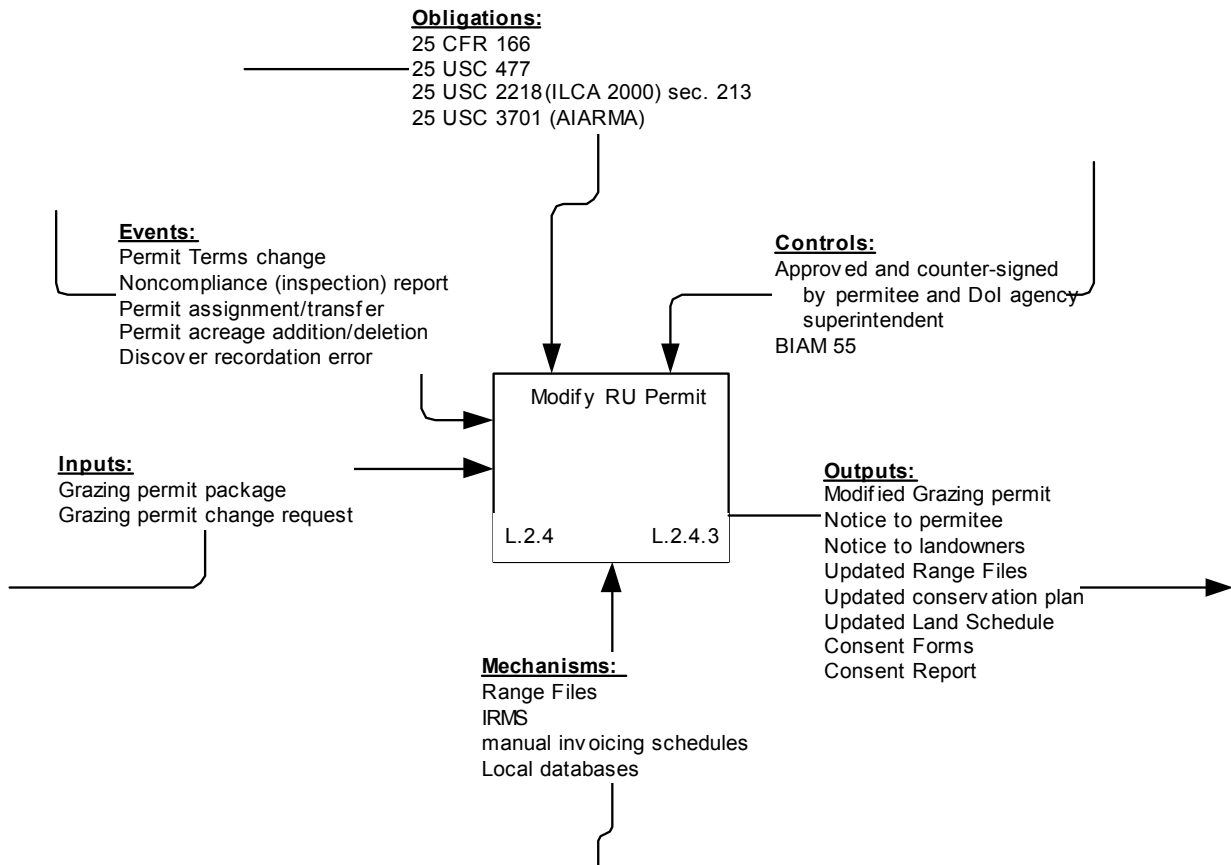


Figure 4.3.5.3- 24 Modify RU Permit IDEF(0)

Close Grazing Permit (L.2.4.4)

Starts with: Record expiration of permit period, or, receive termination request for cause.
Ends with: Request transfer and disbursement of funds.

Grazing permits are typically closed through passive expiration of the permit period. Early termination of the permit is rare. If deposits or performance bonds have been collected from the permittee, a final compliance check is performed, reviewing the last inspection report and financial status on the permit, before requesting the funds to be returned. If the permit is closed for cause and/or damages are found in need of recovery at the closure, the damage value up to the face amount of the bond may be collected for compensation via a Request to Transfer Funds. This initiates an Accounting process to transfer the funds into Trust accounts, which then can be used to recompense the damages.

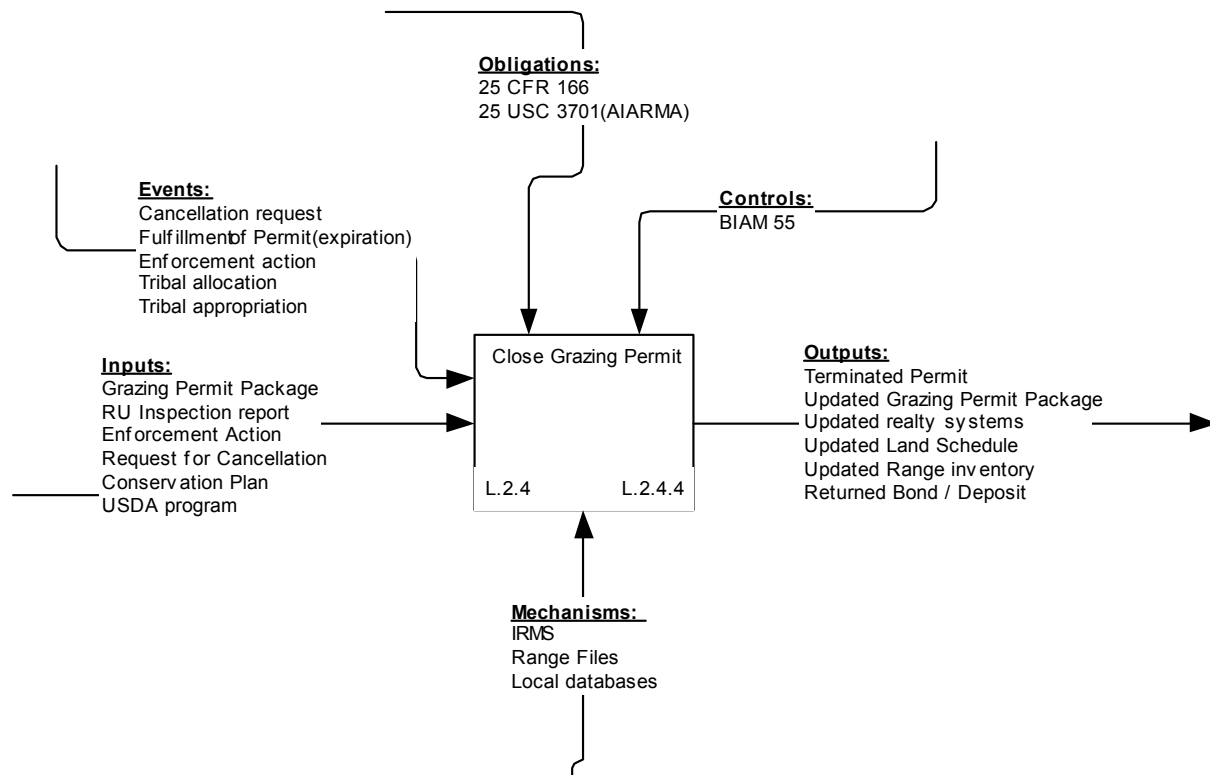


Figure 4.3.5.3- 25 Close Grazing Permit IDEF(0)



4.4.5.3.5 Range Unit Management Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.5.3- 1 Great Plains Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains Region BIA Regional office	Obligation Mechanism Output Process	Distribution advice calculations vary permit to permit. Payment distribution policies/calculations do not resolve all ambiguities. Rules to allocate a single payment for a Range Unit down to differing values per tract and then to each owner-interest do not address all situational requirements. There also is no standard for calculating the allocation between allotted-owner-interests FMV and Tribal amounts when both Tribal and allotted land exist in a single RU. The 25 CFR 166 defines regulatory guidelines for payments that are supplemented by regional rules and calculations for distribution advices programmed into the MAD system.	Federal Regulation Federal Law Procedural	Beneficiaries receive differing levels of payment distributions for similar grazing permit dollars.	Medium	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains Region BIA Regional and Agency offices	Mechanism Process Role	It takes anywhere from 1 to 3 months to correct most errors in the Distribution Reconciliation process, due to the large number of owner-interests for each Range Unit permit. Current suspense errors totaled \$3 million as of July 2002. Systems are not integrated, and have inconsistent data, resulting in elongated reconciliation for distribution advice problems.	Fractionation System constraints	Long elapsed times for permit payment distribution to Beneficiaries.	High	Medium
Great Plains Region BIA Agency offices	Process Obligation Outputs	Positive landowner consent is not always obtained to grant permits on Range Units with allotted lands. BIA Superintendents, in some instances, chose to permit the land anyway. IBIA Case Law has supported this judgment when it prevents wastage or degradation of the land.	IBIA Case Law	BIA line officials feel at risk even when supported by case law. As a result, they must perform extra workload to document legally supportive rationale, or, choose to allow the land to go "idle".	Medium	Low
Great Plains Region BIA Regional office	Mechanism Process Roles	Great Plains agencies use the MAD system to automatically issue 90-Day Notices for Authority to Grant. This requires additional roles for MAD computer system specialists to perform programming and/or set appropriate parameters for the	Mechanism	Large reduction in workload compared to other agencies where notices are hand-typed, or generated from a common PC form and spreadsheet. Impacts are directly proportionate to the number	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		generation of the notices.		of landowner-interests.		
Great Plains Region BIA Regional office	Mechanism Process	Great Plains uses the MAD system to perform all billing, record collections, and nightly electronically transfer of the deposit and distribution advice to OST/OTFM.	Mechanism	Substantial effort reduction is achieved in billing, since the system is automated, and consolidates multiple permit invoices to a single mailing per permittee. Substantial reduction of effort and elapsed time is achieved in preparation of the distribution advices.	Medium	Medium
Great Plains Region BIA Agency offices	Inputs Outputs Process	Agencies allow landowners to select ability to receive direct payments, but frequently do not receive notice of direct payments (from permittee to landowner-interests).	Procedural	Limited controls exist to ensure the correct landowners are receiving the correct payments per the grazing permit contract. Beneficiaries may receive incorrect W-2 statements from the Trust.	High	High
BIA Standing Rock Agency	Process	Requests an SDA account by permit / lessee / range unit.	Procedural	Difficulty in reconciling payments and deposits between BIA and OST/OTFM organizations.	High	Low
BIA Cheyenne River Agency	Process	Requests a new SDA account for each new permit or each permit renewal (one for each signed contract)	Procedural	Difficulty in reconciling payments and deposits between BIA and OST/OTFM organizations.	High	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Rosebud Agency	Process	Requests an SDA for each lessee and type of use (for example, an SDA for a lessee's Range Unit, and a separate SDA for the same lessee's farm/pasture unit).	Procedural	Difficulty in reconciling payments and deposits between BIA and OST/OTFM organizations.	High	Low
BIA Pine Ridge Agency	Process	Requested an SDA for each type of land use, through the year 2001. For example, one SDA for range, one for farm/pasture, one for irrigation. Starting in year 2002, they request an SDA for each permit.	Procedural	Difficulty in reconciling payments and deposits between BIA and OST/OTFM organizations.	High	Low
Great Plains Region BIA Agency offices	Process	Great Plains allows its other agencies to request SDA's at the level of summary or detail based upon their discretion and choice. Current aggregated regional suspense and SDA balance at July, 2002 was over \$17 million.	Procedural	Difficulty in reconciling payments and deposits between BIA and OST/OTFM organizations.	High	Low
Great Plains Region BIA Agency offices	Process	Title Status Reports (TSR's) are not requested for Range Management processes. As probates or other title recordation changes occur, they are entered into the MAD system, to be available for land operation activity needs.	Procedural System constraints	This substantially reduces the time and clerical efforts to synchronize ownership information for the issuance of 90-day notices, and preparation of distribution advices.	Medium	Medium
BIA Rosebud Agency	Process	Rosebud Tribe may terminate	Tribal law	Impact is twofold: higher	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		BIA-agency-approved permits for economic development reasons purposes, with 10-day notice.		and better use of the Trust land, and, economic loss to the permittee.		
Great Plains Region – approximately 7 Tribes in the region, and related BIA Agency offices	Process Roles	BIA agency Superintendent approves Tribal Grazing Resolution stipulations governing allotted lands, and concurs with the stipulations governing Tribal land.	Tribal policy	Increased workload on BIA Range staff and superintendent to work with Tribes to achieve agreement on stipulations and policies. Where applied, it increases common understanding and easier resolution to operational grazing conflicts.	Low	Low
Great Plains Region BIA Agency offices	Output Process	Some agencies perform collections for Tribally allocated and Tribally billed grazing lands.	Tribal policy	Workload increase for agency staff.	Low	Medium

Table 4.3.5.3- 2 Midwest Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Process Obligation	Midwest Region has no aggregations of land tracts for primary use as grazing land.	Federal regulation Land characteristics	Midwest region manages no Range Units and performs no grazing permitting using 25 CFR 166. All livestock grazing is managed and contracted	Low	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				under farm/pasture leases utilizing 25 CFR 162.		

Table 4.3.5.3- 3 Eastern Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region	Process Obligation	Eastern Region has no aggregations of land tracts for primary use as grazing land.	Federal regulation Land characteristics	Eastern region manages no Range Units and performs no grazing permitting using 25 CFR 166. All livestock grazing is managed through farm / pasture leases using 25 CFR 162.	Low	High

Table 4.3.5.3- 4 Alaska Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Process Obligation	Alaska Region has no aggregations of land tracts for primary use as grazing land.	Federal regulation Land characteristics	Alaska region manages no Range Units and performs no grazing permitting using 25 CFR 166. All livestock grazing is managed and contracted through farm / pasture leases utilizing 25	Low	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				CFR 162.		

Table 4.3.5.3- 5 Northwest Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Fort Hall Agency	Roles	Fort Hall BIA agency performs all Range activities after refinement of Grazing Resolution(s). There is limited or no Tribal or landowner participation in following activities.	Policy	Increases efficacy of procedures, minimizes workloads of fractionated interests, and reduces cycle time with fewer parties involved in decisions. However, it also reduces Beneficiary involvement and empowerment in self-determination of their land use.	High	Low
Northwest Region BIA offices	Organization Roles	Regional OST appraiser approves FMV minimum grazing rental rate instead of BIA regional director.	Policy Procedure	Minimal	Low	Low
Northwest Region BIA Agency offices	Process	Bidding Process is rarely used to select a permittee. The only identified use is for 1-2% of Yakama reservation Range Units where there is either commercially unattractive rangeland or no qualified	Policy Procedural	This reduces workload and complexities of conducting advertisements, public bidding, and bid openings.	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		applicant for allocation or negotiation processes.				
Northwest Region BIA Regional and Agency offices	Process	Performance bonds are not collected in the region. Elsewhere, bonds are frequently used to provide surety as to lack of performing on contract terms, or as adequate coverage for any idle time should the selected applicant not be approved for permit, or should there be damages to the land or land improvements. The Northwest region deems collection of the first year rental payment as adequate protection.	Policy Procedural	Minimal	Low	Low
Northwest Region BIA Regional and Agency offices	Process Mechanism	All invoicing for annual operational billing of grazing permit fees is performed manually in the region.	Procedural System constraint	This creates additional workload burden, but is due to lack of any common system with accurate enough information to utilize an automated approach. The relatively low volume of permits at any one agency has led management to conclude that manual efforts are less than the effort and funds needed to create a	Medium	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				comprehensive, automated system at an agency or regional level.		
Northwest Region BIA Regional and Agency offices	Process Mechanism	The distribution advice is generally updated from IRMS printouts, and TSRs are not requested in the Northwest region.	Procedural	This significantly reduces elapsed time to complete the required work and speeds payment distributions to the ownership-interests, since TSR wait time in many places may range from 3 months to a year. However, it may reduce the accuracy of the distribution advice, since IRMS information does not always agree with the Title plant's information.	Medium	Low
BIA Warm Springs Agency	Process	The Warm Springs Agency does not issue or approve grazing permits, and performs no Range Management activities. A Cattlemen's Association performs an informal allocation process similar to a blend between Tribal Allocation (L.2.2.3), and Owner Use (L.2.2.5). The rangeland is scattered allotted tracts (no 100% Tribal land), and allocation is	Social Tradition	It is difficult to ascertain an impact, but appears that allotted landowners may not receive FMV compensation for the use of their land, unless they are an authorized ranch operator through the Cattlemen's Association. The BIA has no participation or visibility to	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		based upon previous history of use value at \$1/AU/year payable to the Association, with no documented permit. No Tribal Grazing Resolution governs this. There have been anecdotal indications of dissatisfaction, but no formal complaints have been lodged with the BIA.		planning, permitting, revenue distribution, or compliance monitoring of the land.		
Northwest Region BIA Regional and Agency offices	Mechanism	Different agencies use either IRMS or MAD or local spreadsheets and manual files to record land ownership, Range Files, and permit package information.	System constraints Procedural	Severe difficulties result in obtaining comprehensive, accurate ownership information, or, any aggregated reporting of Range operations.	High	High
BIA Yakama Agency	Obligation	The Yakama Tribe specifies a civil fine for trespass.	Tribal law	This significantly aids Range monitoring and compliance enforcement, since the Tribe takes a definitive stand in supporting active compliance and disciplinary actions for non-compliance.	High	Low
BIA Yakama Agency	Obligation	The Yakama Tribe precludes grazing activity from specified culturally and historically sensitive sites.	Tribal law	Minimal	Low	High
BIA Colville Agency	Process	The Obtain Authority to Grant	Workload	This eliminates a large	High	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Northern Idaho Agency BIA Olympic Peninsula Agency BIA Spokane Agency BIA Umatilla Agency BIA Warm Springs Agency		process is not performed at these agencies. Agencies had done this in the past, but developed a consensus that low response rate and few complaints when the process was terminated, did not merit the effort to perform it. The agencies assume that proper authority exists on file from previous notice, and continues in perpetuity unless there are specific, documented objections from a majority of current owner-interests. Lack of complaint is regarded as implied consent.		workload, paperwork and mail flow. It eliminates a process step of landowner involvement, as well as any method of determining their consent or rejection of less-than-FMV grazing rates. Regulations allow for such objecting allottee-interests to receive FMV even if the permit is contracted at less than a FMV rate. For example, not sending 90-day notices eliminates 8-10,000 mailings per reservation with a Range program.		

Table 4.3.5.3- 6 Eastern Oklahoma Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Process Obligation	Eastern Oklahoma Region has no aggregations of land tracts for primary use as grazing land.	Federal regulation Land characteristics	Eastern Oklahoma region manages no Range Units and performs no grazing permitting under 25 CFR 166. All livestock grazing is managed and contracted	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				under farm / pasture leases utilizing 25 CFR 162.		

Table 4.3.5.3- 7 Southern Plains Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Process Obligation	Eastern Oklahoma Region has no aggregations of land tracts for primary use as grazing land.	Federal regulation Land characteristics	Eastern Oklahoma region manages no Range Units and performs no grazing permitting under 25 CFR 166. All livestock grazing is managed and contracted under farm / pasture leases utilizing 25 CFR 162.	Low	High

Table 4.3.5.3- 8 Rocky Mountain Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Rocky Boys Field Office	Obligation Roles Process	Rocky Boys is a Compacted Tribe, performing all program processes. The BIA field office signs the few permit approvals, since land is 100% Tribal, with most grazing under assignments	Compact Tribal Law Tribal Resolution Federal	Minimizes BIA workload, maximizes Tribal member operation of rangeland. Replaces authority for process activities with 23CFR.	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		to individual Tribal members. Rocky Boys also has a Grazing Resolution to provide preference to any enrolled member permittee. Collections go via direct pay to the Tribally enrolled members. An additional \$1/AUM is billed as an execution fee to be used for RU improvements. Most RU's on Rocky Boy's participate in the USDA program, with the Tribe paying 100% of the up front capital, and collecting after completion (e.g. additional fencing, spring developments, etc.). Rocky Boys bills at a \$2.50/AUM rate for all enrolled member permittees. The Tribe performs billing and collection with no BIA or OST/OTFM involvement.	Statute			
BIA Flathead Field Office		Although a Self-Governance Tribe, the Flathead require the BIA Superintendent signature of concurrence on their Tribal Resolutions for land use, providing a 10-day review period by Agency Superintendent. They similarly request a signed	Compact Tribal Resolution	Minimal	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		approval on permits.				
BIA Fort Peck Agency	Roles Process	The Chippewa-Cree Tribe has contracted the Range program, and performs most activities with the exception of realty work. They focus mostly on Range Unit (RU) administration and compliance. The Fort Peck Agency still assists in soil analysis, conservation plans, establishing AUM rates and minimum rental rates, and final approval.	Contract	Minimizes BIA workload, and places Agency resources in advisory roles rather than direct program procedural and administrative roles.	High	High
BIA Crow Agency	Obligation	The Crow are a non-Indian Reorganization Act Tribe. They require contract provisions, under the Crow Competency Lease Act, which allow for direct permitting of allotments by owners.	Federal Statute Tribal Law	The BIA has less visibility to Crow direct contracts, including what lands are in use, and under what terms the land is contracted. Trespass, non-compliance, and land utilization issues are magnified.	High	High
Rocky Mountain Region BIA Regional and Agency offices	Process	The BOR, BLM, and BIA have initiated a cooperative effort to develop a new comprehensive range site inventory for RU's with soil inventories pre-dating 1975. This covers 4.9 million acres in the Rocky Mountain	Funding Policy	Generates higher workload for range staff to participate in soil surveys, and to input the information into systems to help manage the rangeland. More current soil surveys help identify risks and stop degradation	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		region.		of the land, and aid in developing better carrying capacities.		
BIA Rocky Mountain Region offices	Mechanism	TAAMS is the primary system of record for ownership and realty information.	Policy System Constraint	Significant improvements in information consistency between the different BIA processes and functions.	High	Medium
BIA Rocky Mountain Region offices	Process Outputs	Performance bonds are not collected in the region. Elsewhere, bonds are frequently used to provide surety as to lack of performing on contract terms, or as adequate coverage for any idle time should the selected applicant not be approved for permit, or should there be damages to the land or land improvements. The Northwest region deems collection of the first year rental payment as adequate protection.	Policy Procedural	Minimal	Low	Low
BIA Wind River Agency	Process Roles	Wind River Agency usually does not mail follow-up collection notices or enforcement correspondence. A separate full-time resource is used to hand deliver them, doing this for any invoices or bills to known	Policy Procedural	Eliminates permittees and allotted landowners from claiming they never received the correspondence. Unique collection approaches have been developed to substantially reduce	Medium	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		problem operators.		uncollected receivables and reduce enforcement cycle times.		
BIA Rocky Mountain Agencies	Process Outputs	Agencies forward permits to Title Plant for recordation as encumbrances.	Policy	Increases workload and backlog at Title Plant, and increases cycle time on TSR requests.	Medium	Low
Rocky Mountain Region BIA Regional and Agency offices	Process	Most regions develop a blended AUM rate for a RU, and base payments upon the blended AUM rate. Rocky Mountain develops an AUM rate by tract, and aggregates this to an RU for permittee invoicing. Disbursement advice for each tract owner in the RU is calculated based upon (the percentage of their ownership interest in their tract) x ((their tract AUM rate) x (their tract carrying capacity)) / (the permit rental) x (the RU carrying capacity).	Procedural	This creates a substantially higher workload for the range program, but it is believed to give a much more accurate remuneration to each landowner-interest.	High	High
BIA Rocky Mountain Region Agency offices	Process Outputs	Rocky Mtn. current practices for collection escalation include 3 separate demand letters, followed by the 10-day show cause, followed by a cancellation notice and appeals rights letters,	Procedural	Increases workload and cycle time to proceed to enforcement escalation activities. Offloads low-probability outstanding collection to another	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		followed by referral to the Dept. of the Treasury for collection follow-up.		Federal Government department.		
BIA Wind River Agency	Obligation Process	Wind River Tribal Resolution subsidizes enrolled Tribal member permittees, billed at a rate of \$1/AUM. 25CFR166 requires allottees to receive fair market value (FMV), and Wind River Agency adherence to this is a variance. They use the current appraised rate of \$11/AUM. The Agency deposits the fees into an SDA, and calculates the FMV distribution to allottee-interests based upon the current appraised rate multiplied by the carrying capacity of those tracts. 85% of the remaining SDA balance is distributed to Eastern Shoshone and Northern Arapahoe Tribal members, the remaining 15% is distributed to Tribal businesses. Approximately 1/2 of the Wind River tracts have allotted lands.	Tribal Law Tribal Resolution Federal Regulation	Significant workload increase for the Agency program resources to perform these additional steps in creating distribution advice. It also typifies an example where the Agency has worked with the Tribes to develop a stronger working relationship, and a greater involvement by the Tribes in determining land use and financial policies for Range Management.	Medium	Medium
BIA Northern Cheyenne Agency	Obligation Process	Northern Cheyenne Tribe has a Tribal Grazing Ordinance similar to the above Wind River Resolution. It subsidizes Tribal	Tribal Law	Significant workload increase for the Agency program resources to perform these additional	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		<p>permittee operation of RU's. The RU permit billing is done at a blended rate, and the stipulations set the FMV minimum rental rate at \$12.50/AUM. Undivided allotted land interests in a tract receive the \$12.50. Tribally acquired land (from fee status) is set at \$7.23/AUM billing rate, and Tribal land is set at \$6.25/AUM billing rate. The weighted average of these over all tracts over the entire reservation results in a blended rate of \$8.05/AUM. Tribally enrolled permittees are billed at this blended rate of \$8.05, with the Tribe ensuring funding for distributions exceeding these collections. Approximately 75% of RU tracts on N.Cheyenne are Tribal, and approximately 25% are allottee-interest-owned.</p>		<p>steps in creating distribution advice. It also typifies an example where the Agency has worked with the Tribes to develop a stronger working relationship, and a greater involvement by the Tribes in determining land use and financial policies for Range Management.</p>		
BIA Blackfeet Agency	Process	<p>Blackfeet Tribe stipulations authorize 10-year permits with a 5-year rental review and adjustment.</p>	<p>Tribal Law Tribal Resolutions Federal Funding</p>	<p>Reduces BIA Agency workload by doubling the interval for permitting administration. Improves working relationship with ranch operators. Matches permit duration with USDA</p>	Medium	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
			programs	programs to aid in permittee obtaining and maximizing the use of federal land improvement programs.		
BIA Wind River Agency	Obligation Process	The Tribal Grazing Resolution requires a ¼ blood quantum, residency over 1 year, and age greater than 18 to qualify as a preferred permittee for allocation and preferential grazing rates.	Tribal Resolution	Minimal	Low	High
BIA Wind River Agency	Process Role	Wind River Tribe requires a permit for Tribal Enterprise use of RU's. The Tribe determines the land and develops the terms and conditions for usage for the Tribal Enterprise, but the BIA agency creates and signs the permit.	Tribal Resolution	Minimal	Low	Low
BIA Northern Cheyenne Agency	Process	Northern Cheyenne has 2 rounds of allocation. The first round advertisement is in December and the Tribal board meets the last week of the year or the first week of the new year to determine enrolled member selection for permittees. The second round is after Feb. 15 th for any RU's not yet paid or bid for allocation, with any applicants who didn't pay for	Tribal Resolution	Increases workload for permit administration on Range Units going through Tribal Allocation process.	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the first round eliminated from participation in the second round.				

Table 4.3.5.3- 9 Navajo Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
“Big Navajo”	Obligation	<p>Following are unique obligations governing “Big Navajo”:</p> <p>25CFR167</p> <p>Navajo Grazing Code, Regulations, and Handbook</p> <p>1994 Memorandum of Agreement (Describes responsibilities and authorities to be shared between Navajo Nation and BIA Navajo Regional Office, especially for the Eastern agency).</p> <p>Navajo Tribal Resources Committee Resolution of 3/15/1966 (Provides additional clarifications for authority and responsibility for policies, procedures governing Tribal land).</p>	<p>Federal Regulation</p> <p>Social Customs</p>	Open range management without fencing; multiple permittees or allocates utilizing the same land area and intermingling animals; inheritance of traditional, customary or historical use areas; subletting; and, sale of grazing permits. Range Management plans, control, and compliance enforcement become more time-consuming and difficult.	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region “Navajo Partitioned Lands”	Obligation	Navajo Partitioned Lands (NPL) is a land area disputed between Navajo and Hopi Tribes. A portion of land was designated to the Hopi (HPL), and a portion to Navajo (NPL).	Executive Order Federal Law	The land designated as Navajo (NPL) has no regulations or procedures in effect to manage and administer this land. A draft of grazing regulations is pending approval.	High	High
Navajo Region Off-Reservation Lands	Obligations	<p>A number of lands which are not within or contiguous to the Navajo reservation are part of the Navajo Nation and BIA Region, particularly several satellite Reservations, and a number of ranches which were acquired in fee and brought into the Trust. Following are unique obligations governing these lands (in addition to other general and Navajo obligations):</p> <p>Navajo Grazing Code, Regulations and Handbook</p> <p>Executive Order 3663 (Delegates authority for management of Off-Reservation lands to Off-Reservation Land Boards and the BIA)</p> <p>Ramah Memo of Agreement (Describes responsibilities and</p>	Executive Order Tribal Code Tribal Resolutions	<p>Many obligations result in conflicts or inconsistencies which increase workload and cycle time to accomplish activities. The numerous obligations also result in higher review and error correction rates. Documents and decisions must be coordinated with many Tribal and government organizations.</p> <p>Resolution of compliance and enforcement issues are more cumbersome and non-compliant operators have many avenues of delay.</p>	Medium	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		<p>authorities to be shared between Navajo Tribe and the BIA for managing the Navajo satellite reservation of Ramah).</p> <p>Navajo Nation Code Title 3 Chapter 5 subchapter 7 sections 930-950 (Provides an “Off-Reservation Grazing Code” that details rules and processes for stipulations, grazing permits, and compliance for off-reservation lands).</p> <p>Navajo Tribal Council Resolution CD-59-64 (Applies Navajo Range Code to Off-Reservation lands).</p>				
Navajo Region “Navajo New Lands”	Obligation	Navajo New Lands area is administered by the Navajo Hopi Relocation Commission	Federal Law	This is newly recognized land, authorized by Congress to re-settle Navajos who had been relocated. No regulations or procedures are defined to manage and administer this land.	High	High
Navajo Region areas for BIA Chinle Agency, Fort Defiance Agency, Shiprock Agency, and Western Navajo Agency	Obligation	The areas of land Chinle, Fort Defiance, Shiprock, and Western Navajo Agencies assist in administering comprise what is commonly called “Big Navajo”.	Federal Regulation	These grazing regulations were established in the 1940’s and have had little updating since. Lack of clear operating procedures	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
(hereafter referred to as "Big Navajo")		This land is governed by 25CFR167, the Navajo Grazing Regulations. Rangeland is not permitted, and is allocated by the Tribe based on "customary and historical use" to enrolled members. Most of the land is "open range" without fences, where animals of different allocates intermingle.		and outdated regulatory language hampers effective grazing management and enforcement.		
"Big Navajo"	Obligation Process	Approximately 1100 allotments exist in the "Big Navajo" area governed by 25CFR167. The allottee-interests are not formally addressed by any Tribal procedures, their land may be included in allocations for grazing use, and they receive no remuneration for such use.	Federal Regulations Tribal Regulations Tribal Code	Allotted interests on "Big Navajo" do not participate in Range processes or receive payments, in the same manner as Range programs for Eastern Navajo or other BIA regions.	High	High
BIA Eastern Navajo Agency	Obligation	Eastern Navajo is heavily checkerboarded and contains allotted, BLM, State, and Tribal lands. Obligations governing the land unique to Eastern Navajo as opposed to "Big Navajo" include: 25CFR166 (grazing regulations) ILCA 2000 section 213 (consent) Executive Order of 12/16/1882	Federal Regulations Federal Statutes Executive Orders Tribal Code State Law	Many obligations result in conflicts or inconsistencies which increase workload and cycle time to accomplish activities. Within the Eastern Navajo Agency, 25CFR166 is applied to all land but District 15, which supplants it with 25CFR167. The	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		<p>(Eastern Navajo allottee rights)</p> <p>Navajo Grazing Code, Regulations and Handbook</p> <p>Taylor Grazing Act (Provides for BLM leasing of unreserved public domain lands to the Navajo Tribe, specifically in the Eastern Navajo “checkerboarded” areas)</p> <p>Executive Order 2198 (Provides for public lands given to railroads to be reconveyed to BLM and authorizes the BIA to manage the lands where appropriate)</p> <p>1994 Memorandum of Agreement (Describes responsibilities and authorities to be shared between Navajo Nation and BIA Navajo Regional Office, especially for the Eastern agency).</p> <p>Navajo Nation Code 824 (Provides for grazing and administrative fee assessments for Eastern Navajo)</p> <p>Navajo Tribal Resources Committee Resolution of 3/15/1966 (Provides additional clarifications for authority and</p>		<p>numerous obligations also result in higher review and error correction rates. Documents and decisions must be coordinated with many Tribal and government organizations.</p> <p>Resolution of compliance and enforcement issues are more cumbersome and non-compliant operators have many avenues of delay.</p>		



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		responsibility for policies, procedures governing Tribal land).				
“Big Navajo” BIA Chinle Agency BIA Fort Defiance Agency BIA Shiprock Agency BIA Western Navajo Agency	Process	This “Big Navajo” land base had original range planning performed from 1935-1938, with documentation of soil inventories, soil maps, carrying capacities, and grazing permits issued. Stocking rates and carrying capacities have not been adjusted since then.	Funding	Overuse, overstocking, overgrazing have diminished and damaged the land.	High	High
Navajo Region	Process	Grazing plans are developed only for RMUs that have been fenced. Grazing permits for open range areas have no plan of operations or conservation plan	Policy	Management plans for effective land utilization and good stewardship are typically effective only when fencing exists to support animal and trespass control. Overuse, overstocking, overgrazing have diminished and damaged the land.	High	High
BIA Eastern Navajo Agency	Process Controls	Distribution deck information is obtained from IRMS, and no TSR is requested. Realty specialists research the ownership interest names, probate cases, census numbers, permit numbers reconcile between realty records	Policy	This degree of research before creating a distribution advice precludes most of the inconsistencies and errors found at other agencies. It takes a large amount of	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		and TFAS, and prepare encoded hand schedule distributions, that are hand carried to the regional OST/OTFM accountant. The request to transfer to OST/OTFM is normally done via a JV at the regional office OST/OTFM in Gallup, NM.		effort and time to perform.		
BIA Eastern Navajo Agency	Process Controls	<p>No invoicing is performed, and collection occurs only for Eastern Navajo Districts 16, 19, and 20 at \$.07 / acre (no charges are assessed for “Big Navajo”). Monies due BLM and State of New Mexico are paid upfront by the Navajo Nation. Rentals collected from permittees reimburse the Tribe and the Tribe absorbs shortages.</p> <p>If wrong amounts are remitted, they are returned to sender. The First \$37,000 is deposited to an allotment account and the remainder is deposited to the Tribal general fund account. The admin fees are deposited to an FFS account (to the national business center in Denver). At</p>	Policy	Minimal	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the end of each week, rental funds are forwarded to the collection officer, with the receipt and the rental payments hand-delivered to the regional OST/OTFM accountant in Gallup, NM.				
BIA Navajo Region Regional and Agency offices	Roles Process	BIA Regional Director reviews and signs all appraisals and permits. All superintendents have been eliminated.	Policy	Longer cycle times for review and approval.	Medium	Medium
BIA Eastern Navajo Agency	Controls Process	Obtaining Authority to Grant (ownership consent) is rarely performed. Consent was sought from allottee-owner-interests in Eastern Navajo only on two occasions, once in the 1960's and again in 1999 after a BIA policy memorandum requested it due to the Cobell litigation. Eastern Navajo Agency has considered the one-time request adequate authority to allow the BIA to renew or issue grazing permits in perpetuity. This request was sent to approximately 12,000 owner-interests in the 817 allotments on Eastern Navajo.	Policy	This provides a significant reduction in workload for the agency. However, as a result, the landowner interests have very little input or control regarding the use of their land.	Medium	Medium
BIA Eastern Navajo Agency	Process	Appraisals for Eastern Navajo are performed by the BIA for BLM	Procedural	Infrequent appraisal and change of grazing rental	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		lands; by the county for Tribal fee lands; and by the state for state lands. These are consolidated by the BIA agency to generate a blended range rental rate across all the different land ownerships.		rates. Many areas of Eastern Navajo have not had appraisals or rate changes in 25 years.		
Navajo Region	Roles Obligation Control	The Navajo Region has a unique organizational structure compared to all other BIA regions. Multiple BIA Agencies exist for one Tribe, and the land is also partitioned into Tribal Districts, which have Tribal District Land Boards (also known as District Grazing Committees) who have significant authority to perform or participate in Range processes.	Tribal Code Tribal Regulations	<p>Additional organizations and layers of authority exist for any decision, resulting in longer cycle time, backlogs of approvals, and lower resolution rates.</p> <p>District Land Boards:</p> <p>Develop and draft all stipulations, resolution, or Tribal regulations;</p> <p>Modify and approve any district- or RMU-specific stipulations;</p> <p>Serve as a mediator or arbiter of any grazing disputes;</p> <p>Accept and approve applications or requests for appraisals, permits, creation of new RMUs, etc.;</p> <p>Complete annual tallies of</p>	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				livestock by holder/operator/owner.		
Navajo Region “Big Navajo”	Controls Obligations	Grazing permits are 12 months duration and are automatically renewed in perpetuity. No action is required for permit renewal. Permits continue until a probate is received or the permittee wishes to sell or gift their permit.	Tribal Policy	Permittees are greatly empowered to utilize the land as they see fit. Stewardship of the land is very inconsistent, due to the lack of oversight, control and enforcement where poor land practices exist.	High	High
Navajo Region	Process Roles	For any land use change or establishment of a new RMU, the proposal must first be researched, reviewed and approved by the Tribal District Land Board. It is then forwarded through a Tribal 164 SAS process for review and approval by all other impacted Tribal departments, before final Tribal Grazing Committee approval.	Tribal Policy	Cycle time to obtain approval is extremely long and difficult to obtain. As a result, very few RMUs are established or land improvements authorized, leaving open range disputes or poor land management practices unresolved.	High	High
Navajo Region “Big Navajo”	Controls Process Roles	Consent is requested from adjacent permittees on Tribal Trust land for any changes in land use, to protect the interests of other neighboring land users in the open range and RMU areas. Examples are fencing, irrigation,	Tribal Resolution Tribal policy	Two distinct impacts result. First, cycle times for obtaining the consent and the approvals are extremely long and difficult to obtain. Second, many such land use changes are conducted	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		water runoff improvements or access controls, homesite developments, impacting the grazing permits in both RMU and open range areas. The permittee seeking the change is responsible to obtain 100% consent/approval by the adjacent permittees. The Tribal Chapter and the Tribal District Land Board require approval before the specified land use change can be implemented. If the change is a request for a new permit, then BIA approval by the regional director is also required.		without regulatory consent and approval due to the difficulties and time required.		

Table 4.3.5.3- 10 Southwest Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Mescalero Agency		Mescalero Tribe has statutory code for a cattlemen's association with no fees generated from permits and no sublets. The association owns the livestock collectively, and provides for members to enjoy pro-rata shares		This results in more effort put into Conservation Plan of Operation, minimized workload for permit administration, lower incidence of land use disputes, nominal non-	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		of profits, much like a Tribal enterprise with shareholders. The Tribe believes that this works very well, and may be a leading practice for other Tribes.		compliance issues or, ownership inconsistencies, and faster distribution of payments to the beneficiaries.		
Southwest Region	Obligation	Indian Claims Act	Federal Law	Provides money and constraints on Tribal abilities to improve & manage rangeland.	High	Medium
Southwest Region	Obligation	Treaty of Guadalupe Hidalgo - Spanish land grants recognized by the U.S. to Pueblos and Spanish citizens	Federal Treaty	Establishes ownerships and usage rights; individual treaty lands are Trust lands but are not under the jurisdiction of Tribes, much like allotted lands.	High	Medium
Southwest Region	Process	There is no region-wide, coordinated range management program across the various Tribes and Reservations. Priorities and Tribal Codes on land usage and revenue-generation vary widely between each Tribe/Pueblo. A majority of the Tribes have range programs. However, some consider grazing a Tribal member right based on customary or historic use. No unitized grazing areas exist in the region (RUs or RMUs).	Policy Tribal Policy	Minimal	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		A number of Tribes are acquiring fee land, converting it into Trust to use as rangeland for grazing permits.				
Southwest Region	Process	Appraisals are generally not requested or performed in the Southwest Region. They are performed only when unusual changes in land base or land use are requested (e.g. purchase of a ranch in fee, then bring it into Trust for grazing permit use to non-Tribal members).	Policy	Minimal	Low	Low
BIA Zuni Agency	Process	Zuni range monitoring consists of measuring forage data within 30 permanent monitoring areas, to determine range utilization and cover. Other inspections are done for reports of overgrazing.	Procedural Funding	This level of inspection and monitoring gives substantial factual data with which better Rangeland Management practices and land utilization decisions can be based.	High	Low
Southwest Region	Mechanism	Virtually no Tribes or BIA Agencies utilize national or regional computer systems (e.g. IRMS, TAAMS, MAD). Almost all use either local spreadsheets or manual files.	System Constraints	Costs and efforts to implement and maintain systems are significantly reduced. However, there is no visibility to other ownership or "leading practices" information when desired. Ute	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				Mountain is the only Tribe in the region with material allotted-land interests, and might benefit such systems.		
Southwest Region	Process	Most of the SW Reservations are primarily Tribal lands. Few Tribes or Pueblos have a need for policies requiring the collection of fees for permits on allotted lands. Most have resolutions or codes focusing on land use objectives, and rules governing trespass. There are usually no single blocks of begin/end dates for the grazing permits except for Zuni. Most Tribes provide for rangeland permitting to associations, which in turn sub-permit to individual members.	Tribal Code Tribal Resolutions	Elimination of allotted-land interests greatly reduces the number of processes and administration required for Range Management. Tribes and BIA Agencies both have more flexibility for land use planning. As a result, this region had the highest percentage of Tribes who had completed IRMPs. IRMPs provide clearer objectives, with better Tribal support for the controls and procedures to manage the land and enforce compliance.	High	High

Table 4.3.5.3- 11 Western Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Eastern Nevada Agency	Obligation	The BIA agency manages BLM	Executive	Provided for by Executive	Low	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		rangeland interspersed with the Duckwater Shoshone reservation.	Order	Order 2198 (Provides for public lands given to railroads to be conveyed to BLM and authorizes the BIA to manage the lands where appropriate).		
BIA Western Nevada Agency	Obligation	Pine Nut public domain allotments (PDA's) are 62,000 acres of individual allotments to Washoe Tribe members derived from previously public fee-title land, heavily checkerboarded, widely scattered, and intermingled with BLM land.	Federal Statute	Planning, permitting, and management practices are extremely difficult to implement given the nature of the land base. Trespass and poor land stewardship are prevalent.	High	High
BIA Hopi Agency	Procedure	Rental collections for Navajo permittees on Hopi land under accommodation agreement are in arrears and currently in a legal dispute.	Inter-Tribal Conflict	Minimal	Low	High
BIA Western Region Agencies	Process	Starting in 2002, permits are recorded as encumbrances in Title Plant after approval and signature by BIA Agency Superintendent.	Policy	A large backlog of encumbrances exists in Title Plan, and Title Plant backlog precludes Agency request of TSRs for ownership information.	High	Low
BIA Western Region Agencies	Procedure Roles	Most Reservations have a direct pay arrangement to the Tribe for Tribal range unit payments, and	Policy	Lack of controls and assurance that the right beneficiaries are being paid	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Outputs	for some allotted land-interest payments. Proof of payment is inconsistently provided to the BIA.		the right amount on a timely basis.		
BIA Western Region Agencies	Output Process	Several Agencies monitor permitted tracts and perform range condition surveys to collect information to generate annual Natural Resource Information System (NRIS) reports. They summarize monitoring activities such as range condition, utilization, payment summaries, noxious weed inventories, range improvements, livestock inventories and compliance activities.	Policy	NRIS reports have been valuable tools for agencies to assist planning and develop range management recommendations to the Tribes for both stipulation updates and to serve as communication tools. This system is no longer supported, and cannot continue to maintain or provide important information.	High	Medium
Western Region	Process	Western Region doesn't schedule blocks of common permit expirations. Permit end dates vary, unit by unit.	Policy	Minimal (due to relatively low volumes of permits).	Low	Low
BIA Western Region Agencies	Process	Western Region attempts to conduct bidding as the method of permittee selection on all fractionated-ownership range units in order to obtain the highest FMV. The requirement is to use the bidding process unless an authorized justification is made to	Policy	Few of the units are placed in a bidding process due to lack of competitive demand.	Low	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the regional office to use the negotiation process instead.				
BIA Western Region Agencies	Role Process	Agencies also have a witness sign the approved permit.	Policy	Minimal	Low	Low
BIA Western Region Agencies	Process	Agencies do not issue 90-day notices or perform the Authority to Grant process. The probate processes are backlogged so that frequently heirs have died. Therefore, the agencies do not integrate probate notifications into the consent or authority to grant activities. Primary sources of ownership information are either A&E cards or local spreadsheets and manual files.	Policy Procedural System Constraints	Allotted interests are not afforded the same participation in Range processes. System constraints from the procedures, backlog of transactions, and inconsistent sources of data, do not always ensure correct payment amounts to the correct land ownership-interests.	High	Medium
BIA Western Region Agencies	Process	Agencies utilize different collection policies and procedures that may conflict with OST/OTFM policy. According to 25 CFR 166.416 rentals can be collected 30 days in advance but 25 USC 415 indicates advance payments of a longer period of time. At the Western Nevada agency, the collection officer prepares the bill for collection, receives the payment, and records	Procedural Federal Regulations	Agency staff is confused as to which regulations, policies, and procedures to follow. Inconsistencies in procedure generate errors and reconciliation problems between the BIA and OST/OTFM organizations.	High	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the collection. San Carlos Agency sends out billing one year in advance.				
BIA Western Nevada Agency Fort McDermitt Paiute-Shoshone Tribe Yomba Shone Tribe	Roles Process Outputs	State-chartered cattlemen's associations have permits on the Fort McDermitt Paiute-Shoshone Tribe and the Yomba Shone Reservations.	State Law	State chartering opens up additional financing and revenue options, such as state or federal program monies, bank financing, and subleasing to non-Tribal member operators. This also opens up taxation of revenues and the ability to perfect liens against incomes from the property.	Low	Medium
Western Region	Mechanism Outputs	Many Western Region Tribes with range programs have developed substantial GIS systems to track stocking rates, forage, water, production, revenue, and the like to better support sustainable yield management practices. Those Tribes noted to have sophisticated GIS capability are Hopi, Fort Apache, and San Carlos.	System Constraints	Most Tribes have found significant limitations in attempting to develop and monitor effective rangeland utilization with the information kept or reported by the BIA. They have developed their own GIS systems and are able to better plan land use and align Tribal objectives with land production.	High	Low
BIA Western Nevada Agency	Procedure	Approximately \$60-70,000 of suspense account money cannot be reconciled. The BIA has	System constraints	Beneficiaries are not receiving their payments.	Medium	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		provided a JV in requested format to OST/OTFM, but the money is not being distributed to IIM accountholders because of complications involving a non-Indian ownership interest in the allotment. While this issue is being resolved, OST/OTFM closed many of the relevant IIM accounts because there has not been activity posted to the accounts. Requests to reopen closed IIM accounts from June of 2001 are still pending.	Procedural			
Western Region	Process Outputs	Tribes in Utah and Nevada typically issue a resolution for every permit. The resolution will list the permittee(s). Some Tribes issue a blanket resolution for all stipulations and preferences in addition to the permit-based resolutions. Resolutions vary widely in duration, some with one year, three-year, or five-year expirations, some with no expiration dates.	Tribal Policy	Vastly differing Tribal approaches to setting criteria for rangeland management, and differing levels of administrative documentation required by each Tribe, result in substantial workload and complexity for BIA Agency Range program resources.	High	High



Table 4.3.5.3- 12 Pacific Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Pacific Region	Obligations	Pit River Tribe has significant permitting and owner use. Difficulties stemming from the federal court order to force 11 separate bands to reorganize under a single constitution to become a federally recognized Tribe. Each band has a representative on the Tribal council, but consensus solutions are rare.	Federal Law	Little land planning is done and few permits are issued (3 permits by the Tribe, 3 by the BIA). Most of the land is used by an individual or band deeming it their own, sometimes in conflict with other perceived historical and customary use boundaries. The BIA has little or no visibility to the land use or conflicts.	Medium	High
BIA Pacific Region Agencies	Obligation	Public Law 280 allows the State and Federal marshals jurisdiction to assist in law and compliance enforcement on Indian lands, which is specifically beneficial for the PDA's where the BIA resources are inadequate to monitor and enforce compliance.	Federal Statute	This has little impact, since there is a high threshold of proven damages before such assistance can be requested (\$50,000).	Low	High
Pacific Region	Obligation Controls Process	Public Domain Allotments (PDAs) in the Pacific Region are widely dispersed and external to Reservations. Agencies are unclear whether any or which regulations apply to these	Policy Funding	Tribal involvement is nil since the PDA's are located outside the boundaries of Tribal Reservations and are not Tribal land. BIA agency involvement is nil	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		properties.		due to priorities and lack of staff. As a result, land planning and compliance enforcement are problematical. There is limited visibility to accurate ownership.		
BIA Central California Agency BIA Southern California Agency	Controls Process	Owner consent/authority to grant notices were last sent out in most cases during the 1970s–1980s. There are approximately 600 heirs on 60-80 tracts.	Policy Procedural System Constraints	Allotted interests have limited participation in Range processes. System constraints from the procedures, backlog of transactions, and inconsistent sources of data, do not consistently ensure correct payment to the correct land ownership.	High	Medium
BIA Northern California Field Office	Inputs Process	The agency uses uncertified TSR reports from 1994 to determine owners for the few allotments they permit.	Policy Procedural System Constraints	System constraints from the procedures, backlog of transactions, and inconsistent sources of data, do not consistently ensure correct payment to the correct land ownership.	High	Medium
BIA Pacific Region Agencies	Controls Process	Appraisals are requested and conducted with wide variation of frequency. Examples: Southern California Agency does not request appraisals. Central	Policy	Lack of appraisals may result in under-charging for land use. Appraisals every year may be performing a workload not	Medium	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		California Agency requests annual appraisal surveys for grazing rentals. Each permit expiration period is the baseline for most regions.		commensurate with benefit, since rental changes year to year are usually not significant.		
BIA Central California Agency	Process Outputs	The agency forwards all permits to Title Plant for recordation as encumbrances.	Policy	Increases workload and backlog at Title Plant, and increases cycle time on TSR requests.	Medium	Low
BIA Pacific Region Agencies	Inputs Procedure	Procedures vary between agencies as to what source of ownership information is used to develop distribution advice for permits. Examples: Central California Agency requests a certified TSR, but does not receive them in a timely manner from the Title Plant, delaying the approval of permits and leases. Northern California Field Office always requests an uncertified TSR, but does not receive them in a timely manner, so they use the last TSR received on the tract.	Procedural System Constraints	Permits are delayed, or, untimely and inaccurate information is used to prepare distribution advices.	High	Medium
BIA Central California Agency	Process	The last known disbursement based on distribution advices from the Agency was made in 1994. They have been collecting	Procedure	Beneficiaries are not receiving their payments.	High	Low



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		approximately \$4,000.00 per year.				
BIA Central California Agency	Process	The agency has the Livestock Associations collect permit fees. A Realty Collection Officer then logs the receipt and prepares a request for deposit, stores the checks in the agency safe. A Natural Resources specialist then prepares a Schedule of Collections (distribution advice), the Natural Resources specialist then prepares a field receipt for the permittee & the agency office, and also prepares a JV which is forwarded with the check to the regional OST/OTFM accountant.	Procedure	Minimal, although there is a loss of control in having the Association collect the fees before the agency can log the actual receipts.	Low	Low
Hoopla Tribe	Mechanism	Hoopla Tribe uses DocStar, an electronic imaging system to keep all records online and retrievable through multiple index criteria.	System Constraint	Substantial time saving exists in any record retrieval, and inconsistencies are reduced since all indices are required by the system to have integrity.	High	Medium
BIA Central California Agency	Mechanism	Approximately 36 of the 54 Tribes use GIS systems to track the information and complexities of all the California and federal Environmental Assessment	System Constraint	Most Tribes have found significant limitations with the information kept or reported by the BIA. They have developed their own	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		requirements.		GIS systems and are able to better plan land use and align Tribal objectives.		
Hoopa Tribe	Controls Process	Hoopa Tribal law requires a consent notice be posted for 30 days.	Tribal Code	All Tribal members and landowners obtain visibility and can influence prospective land uses.	High	Low
BIA Southern California Agency	Obligations	Los Coyotes Tribe passed a Resolution and Ordinance banning cattle grazing.	Tribal Code	Minimal	Low	Low
BIA Central California Agency	Obligations	Tule River Tribe refines its grazing resolution and Tribal grazing code every year.	Tribal Code Tribal Resolutions	Minimal	Low	High
Hoopa Tribe	Obligation	Hoopa is a Compacted Self-Governance Tribe, and exempts itself from a number of the onerous NEPA compliance processes and steps.	Tribal Compact	Self-governance may allow Tribes the ability to reduce cycle times for certain environmental compliance processes and facilitates easier and more time-effective leasing and permitting.	High	High
BIA Northern California Field Office	Controls Process Outputs	Some Tribes (e.g. Round Valley with 30,000 acres rangeland) permit to a Tribal livestock association, which then allocate or sub-permit to operators. Similar distancing of BIA	Tribal Resolutions	BIA has Trust responsibilities, but very little visibility to the actual operators, their land use practices, and payment history.	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Agencies from actual permittees exists for Compact Self-Governing and 638 Contract Tribes.				



4.3.5.4 Agricultural Leasing (L.3)

The overall process starts with: Plan agricultural land use.

Ends with: Close agricultural leases.

The most commonly used terms in BIA Agencies and the field for this type of land use are “farm/pasture” and “Ag”. For future reference in a succinct manner, we will refer to this as Ag, or agricultural land.

A wide variety of land use contracts exist on Trust agricultural lands. “Agricultural Leasing” is the title for the business processes encompassing different types of land use contracts. Those specifically excluded are forestry, range grazing permits, homesite and commercial leasing. Typical land uses included in Agricultural Leasing are:

- a) Farm/pasture leasing
- b) Other longer-term agricultural leasing (e.g. 25 year lease duration for orchards)
- c) Miscellaneous permitting (e.g. hunting, gathering, scientific, archeological, ecological, and cultural permits)
- d) Recreational and lakeshore use permits

Most agricultural land is controlled through a leasing, or where appropriate, permitting system. This system regulates the assessment and planned use of the land; contracted farming, grazing, or miscellaneous use of the land; managing an annual revenue collection process; and, agricultural land management through compliance monitoring.

Most importantly, this system selects and designates the agricultural land operators (usually farmers), who are responsible for effective stewardship of the land within their area of operation. Idle or non-leased agricultural land, without responsible care and use, is subject to wastage through a variety of sources including feral animals, noxious weeds, trespass, dumping, and overuse. With proper fencing and utilization, the land is maintained in an ecologically sustainable state, and used to generate revenue for its ownership base, the Trust beneficiaries.

Agricultural Leasing activities interface with other Trust processes such as Title, Accounting, and Appraisal. These interfaces facilitate determination of ownership interests, fair market values for issuing leases, and distribution of rental income to beneficiaries.

Agricultural leasing and permitting processes occur in every BIA region. This includes two types of contracted grazing activity. The following paragraphs provide brief definitions to explain and distinguish between the two.

Smaller tracts of land, often 10 to 320 acres in size, and generally multi-purpose in nature, are issued agricultural leases, to allow either or both farming and pasture grazing activities. For example, it is quite common for a farmer to concurrently have cereal crops as well as a few horses or a small herd of dairy or beef cattle. This multiple use of agricultural land is contracted through an agricultural lease covered by 25 CFR 162 regulations, and is described in the Agricultural Leasing process (L.3.1). Where a single use is made of these smaller tracts of agricultural land, say for grazing, the same agricultural lease process and obligations are utilized. This is most notable in Eastern Oklahoma, Midwest, and Southern Plains regions of the BIA, but occasionally occurs in other regions as well.



Range Management is typically performed where tracts of land are aggregated into large, commercially attractive, contiguous blocks of rangeland, frequently thousands or tens of thousands of acres in size, called Range Units (RU's). These activities are covered in the Range Management process (L.3.2), and contracted through single use Grazing Permits covered by 25 CFR 166.

Agricultural policies and procedures are varied at regional, Agency, and Tribal levels to accommodate individual Tribal objectives and land use codes. Some contracted or compacted Tribes have developed programs that may better fit the local land characteristics and Tribal priorities.

Following is a high level diagram of the Agricultural Leasing process:

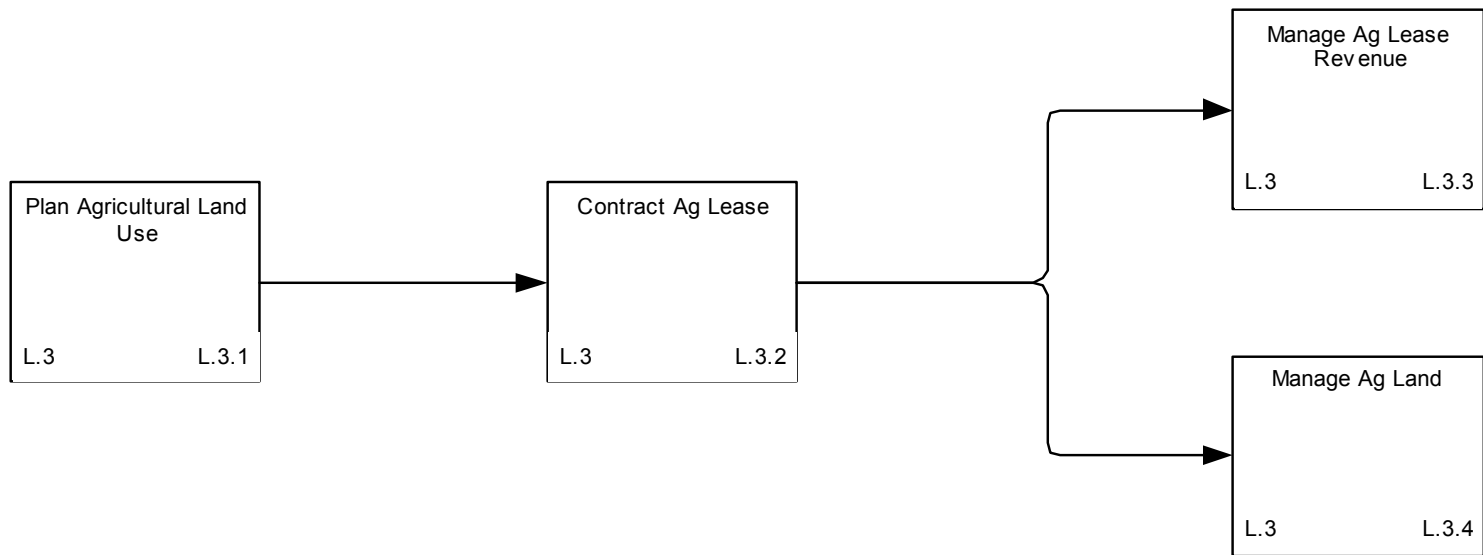


Figure 4.3.5.4- 1 Agricultural Leasing High Level Diagram



4.3.5.4.1 Plan Agricultural Land Use (L.3.1)

Starts with: Agricultural leases within 1 year of expiring or a request for agricultural land use.

Ends with: Document estimated lease or permit value and stipulations for use.

Several Reservations have planned agricultural leases on synchronized schedules with a common block of lease expirations for all agricultural land tracts within the reservation, where only one or two Reservations in a region have their block of expirations in a given year. Frequently, this is attempted in order to balance the workload for the BIA Regional office, and to match 5 or 10-year lease terms to USDA program and funding cycles. However, due to individual tract ownership changes, unique soil and drainage characteristics, crop rotations, and leasing requirements specific to each tract, lease terms may not align with such "block" approaches, and may vary between 1 to 30 years. With the above-described variations, in practice most Agencies perform agricultural leasing activities every year.

Miscellaneous permitting generally follows the same process flow as farm/pasture leasing, but typically has substantially lower dollar value, is performed less frequently and with greater seasonality, and occasionally skips steps in the process based on materiality of impact. Examples of land use typically controlled through miscellaneous permits include:

- a) Archaeological research & digs
- b) Hunting
- c) Gathering (berry-picking, etc.)
- d) Recreation
- e) Scientific or exploratory research
- f) Easements for seasonal or short-term use

Planning activities include review site potential for production, determine the tracts available for lease, assess agricultural land condition and suitability, determine the need for conservation measures, and ascertain a value for leasing. Appraisals are requested, usually at a tract level and sometimes at the Tribal level, for a specific type of lease.

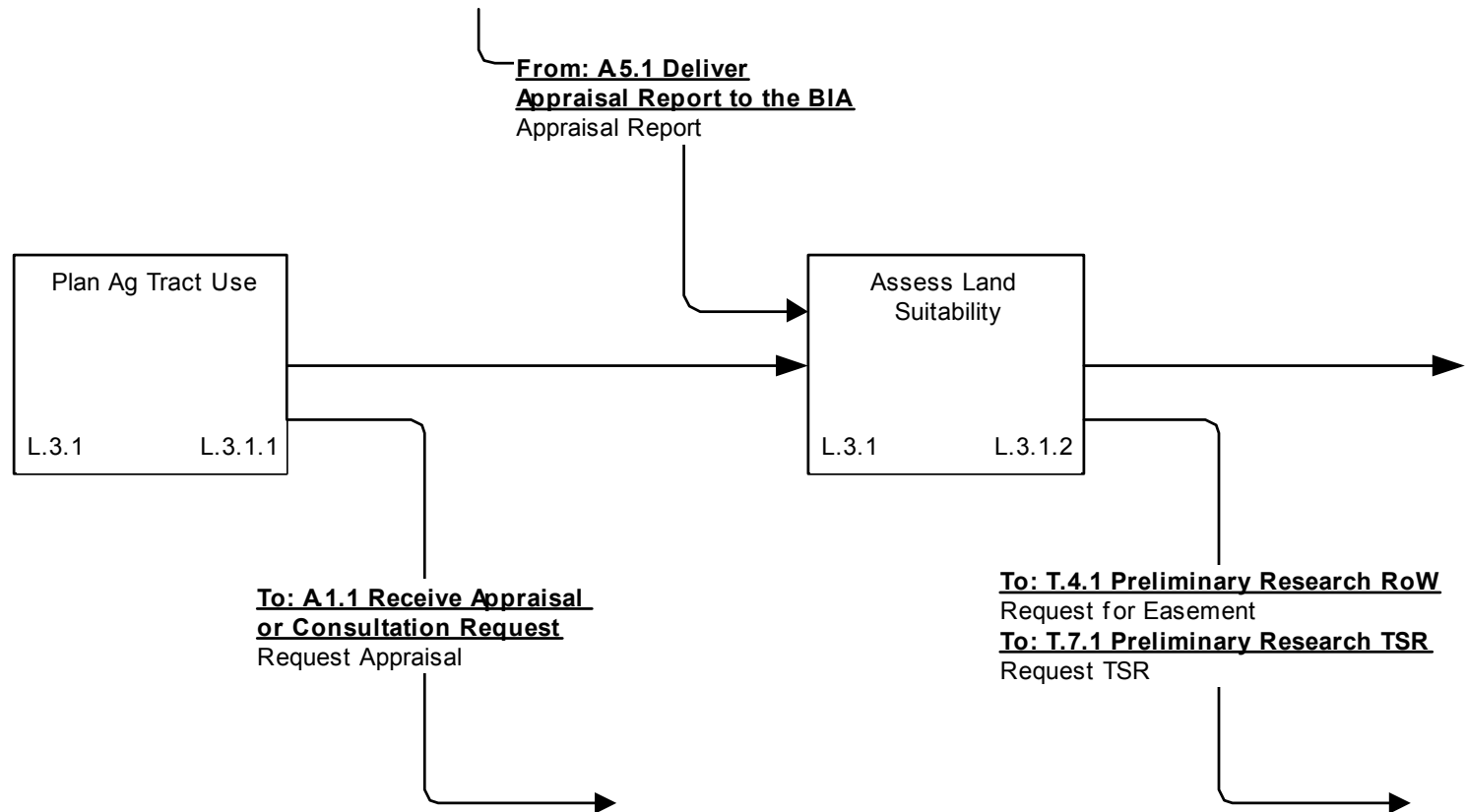


Figure 4.3.5.4- 2 Plan Agricultural Land Use IDEF(3)



Beneficiary Involvement for Plan Agricultural Land Use

Tribes frequently have significant involvement in planning for 100% Tribe-owned agricultural land. They may have Land Use Ordinances and Codes defining Tribal objectives, policies and procedures for agricultural land and agricultural leasing. Where significant agricultural land exists on a reservation, the Tribe usually employs an agricultural or land use committee for this purpose.

Allottees have nominal involvement in planning agricultural land use, especially where fractionated ownership interest exists. There are two exceptions to this. First, landowners may aggressively seek prospective lessees and negotiate the land use themselves, forwarding the applicant and proposal to the relevant BIA office. This is most common where there is a sole owner-interest or fractionation is quite limited. Second, prospective lessees may pursue the use of agricultural land with high commercial value by courting landowners aggressively. The applicant forwards a proposal for use, with landowner-interest approvals, to the relevant BIA office for application to lease.

Plan Agricultural Land Use Significant Notes

- a) A number of BIA regions with significant agricultural land resources report numerous Tribes or Reservations without formal planning or leasing systems. A number of Tribes were also described as performing leasing with nominal participation or notification to the relevant BIA office(s), even when allotted-ownership-interests existed.
- b) A large amount of land (roughly estimated at 1 million acres) exists as Public Domain Allotments (PDA's). PDA's are parcels of land allotted to Individual Indians from public domain land. Most of these tracts are relatively small, in the vicinity of 10-160 acres, are widely scattered, off-reservation, and generally are not being managed or tracked. Many owner-interests are unaware of their rights or location of the land. Those who are knowledgeable frequently report the land as used by third parties in trespass. PDA's were granted over a period of time early in the 20th century. Tracking their location and current ownership-interests is highly problematic. For example, many have not been reported to the BIA for probate, and potential heirs may be unaware of their potential ownership, the location and/or current use of the property, and the BIA may not have records of dispositions, leases, or other activities relevant to the property. Most BIA involvement on these tracts is upon notification of third parties in potential trespass. Existing programs focus on Reservation land managed currently under lease. As a result, it is problematic to substantiate and quantify information on the PDAs and the magnitude of the related problems.
- c) 25 CFR 162 requires a Conservation Plan of Operation for each agricultural land tract. Conservation plans are not performed on a regular basis. They are updated primarily when circumstances require it, such as in the event of lease expiration, natural catastrophic events, or escalated trespass issues.
- d) Wide variances exist between agencies which may or may not be involved in miscellaneous permitting. This may preclude visibility to land use, and may not consistently address ownership-interest rights. Where land is more desirable, for example lakeshore and recreationally oriented tracts, this frequently results in increased disputes over land use and rights to receive income from its use.



- e) Lessees normally participate in application, selection, and lease approval processes for each lease period. In practice, there is a high incidence of repeat lessees, in essence amounting to lease renewal rates of 80% or better. Tribes and BIA Agencies desire high renewal rates. . High turnover of lessees substantially increases leasing workload, and increases motivation to maximize land productivity for the single lease period.
- f) Certified or uncertified Title Status Reports may be requested from the Title plant, but most BIA agencies and Tribes produce their own uncertified ownership lists.



Plan Agricultural Land Use Detail Description

Plan Agricultural Tract Use (L.3.1.1)

Starts with: Agricultural leases within 1 year prior to expiring.

Ends with: Complete a conservation plan of operations, and, update stipulations for agricultural lease use.

Activities are initiated primarily by the upcoming expiration of an agricultural lease, approximately one year or so preceding the expiration date. They may also be triggered by an application for tract use, or, by a lease cancellation.

These activities review and plan utilization of agricultural land in the geographic area covered by the local BIA office. The planning period and lease dates vary between geographic areas, primarily dependent upon the types of crops grown, the seasons and number of crop cycles per year, the type of animals pasturing, and the forage seasons dependent upon the weather patterns. For example, winter wheat, cotton, apple/pear orchards and wine grapes all have substantially different growing and harvest times.

Refinements to conservation or land use plans are prepared, and stipulations for land use are reviewed and updated as necessary. Reports are generated as deemed appropriate by the local BIA line official. The two most common are an Idle Lands Report, and an annual caseload report.

The BIA agency may request appraisals upon addition/deletion of land to tracts available for use, or upon change of use. Some agencies may request an annual appraisal valuation for general types of agricultural land use at a reservation level but often request appraisals at the tract level.

Short-term leasing, especially for recreational and lakeshore use permits, may commonly be conducted without significant BIA involvement or awareness. The four major profiles of processing land use contracts for non-commercial-farming are as follows:

- a) Tribes plan and lease property, directly pay owners, with no participation by the BIA.
- b) Tribes plan and lease property, directly pay owners, providing copies to the BIA. This may occur either as post-facto notice, or may be provided for BIA line official approval and signature on the lease.
- c) Tribes plan and lease property, and provide the lease to the BIA for collection and distribution of payments.
- d) Tribes may participate in planning, with the BIA performing leasing, collection and distribution activities.

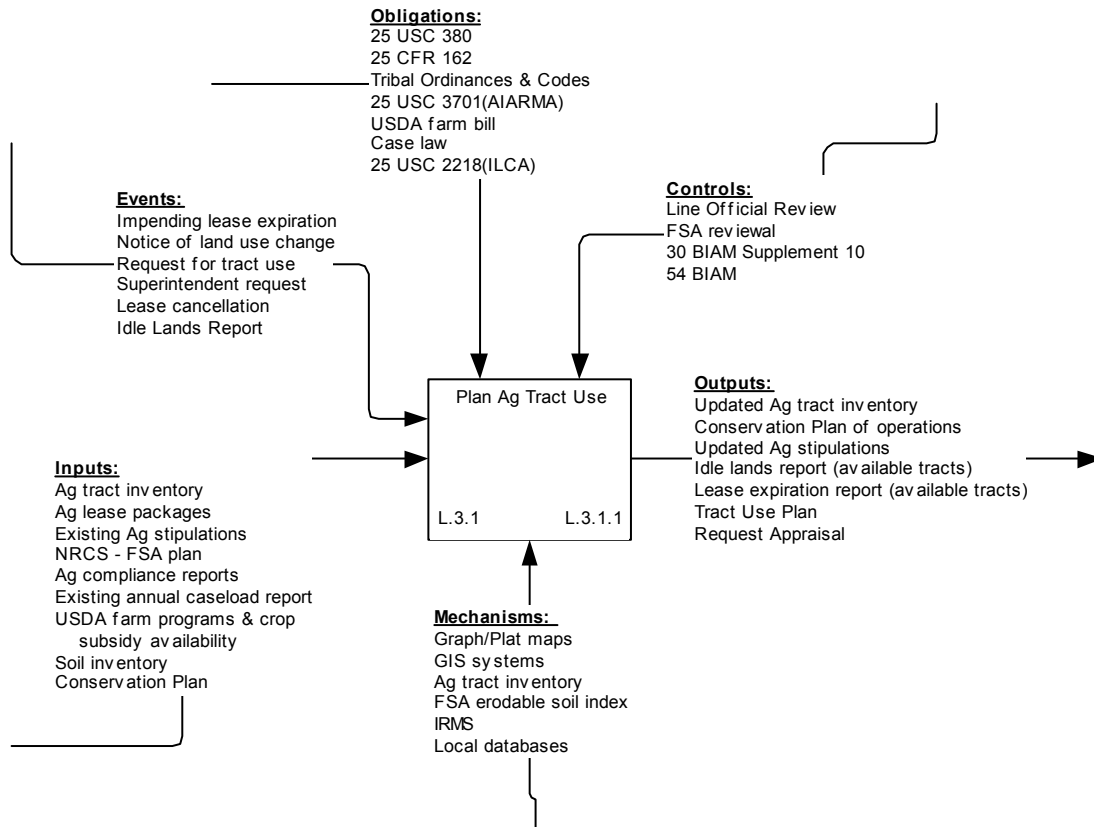


Figure 4.3.5.4- 3 Plan Agricultural Tract Use IDEF(0)



Assess Land Suitability (L.3.1.2)

Starts with: Confirm availability of land for agricultural lease.

Ends with: Plan lessee selection process, and develop Appraisal Report.

A suitability assessment includes confirmation of all aspects of asset availability required as prerequisite to drafting a contract for the land. This includes confirmation of title and ownership, location and condition of the land, estimated volume and value for its use, timing of availability, and easements required to operate it under the Conservation Plan of Operations identified in the Plan Agricultural Tract Use process (L.3.1.1). The purpose is to assess the availability and capability of the land to support farming, pasturing, recreational, or other identified uses.

For agricultural land that has been historically fenced and leased for farm/pasture use, the primary focus of determining land suitability is on idle land, permit expiration timing, crop rotations, water availability and animal stocking rates. Proposed changes in land use, newly created Trust agricultural land, or activity with potential land impact (e.g. breaking the surface), requires a NEPA compliance process to assess the impact. The scope of activities performed and duration of this process vary significantly, dependent upon the scope of the proposed changes. They include but are not limited to the following:

- a) Impacts to other resources (e.g. fish, wildlife, homesite development)
- b) Cultural impacts
- c) Archeological impacts – defined by National Historic Preservation Act (NHPA section 106) for archeologically significant properties
- d) Soil, water, air quality impacts

The output of the NEPA process differs dependent upon the identified impacts. Major types of NEPA reporting are:

- a) Categorical Exclusion (“CatEx”) - if Congressional, statutory conflict, or other circumstances provide the bypass of any detailed assessment
- b) Finding Of No Significant Impact (FONSI) – the proposed use or change will “not significantly” affect the quality of the human environment
- c) Environmental Impact Statement – after the performance of an Environmental Impact Study with review and comment periods for affected groups
- d) A Record of Decision (ROD) – to document the activities performed, choice of report issued, and rationale for the decisions reached

The BIA agency may request appraisals for changes in land use. Formal appraisals produce an Appraisal Report.

A Title Status Report may be requested to determine current ownership, verify location and encumbrances of the property. In some case, the agency may rely on local records to determine ownership interests.

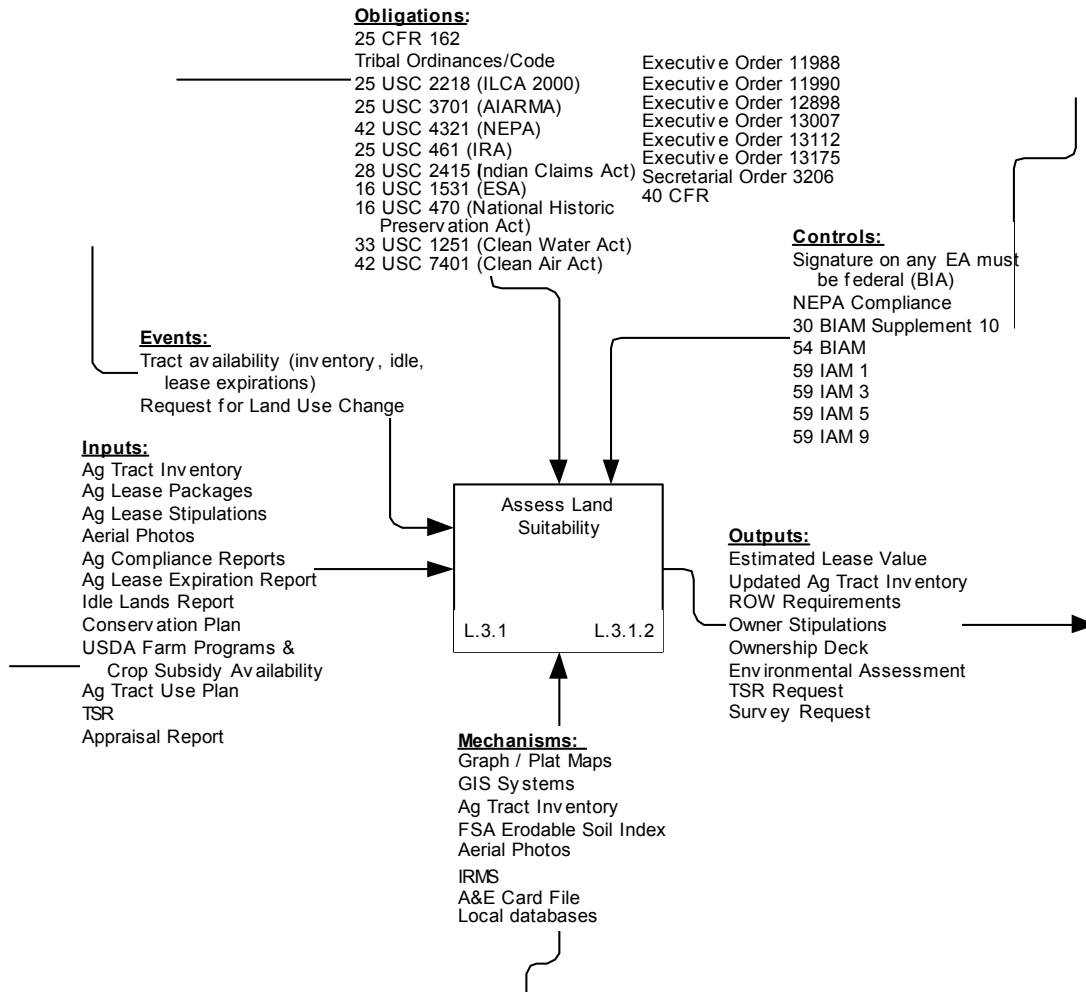


Figure 4.3.5.4- 4 Assess Agricultural Land Suitability IDEF(0)



4.3.5.4.2 Contract Agricultural Lease (L.3.2)

Starts with: Prepare draft schedule of land available for lease.

Ends with: Approve and sign agricultural lease.

The inventory of agricultural land tracts is reviewed, and a schedule or list is prepared of land available for agricultural leasing. Expirations of existing leases, idle or currently non-leased lands, and requests for agricultural land use are included in this review.

BIA agencies, in conjunction with Tribal consultation and interested allottee interests, set an appropriate priority sequence of activities for selection of agricultural land lessees. A schedule is developed for each reservation, with consideration of unique land base, and market conditions, to ascertain the selection process appropriate for each tract. Processes may include one or several of the following:

- a) Tribal agricultural land use
- b) Negotiated Tribal agricultural lease
- c) Owner use of agricultural land
- d) Negotiate agricultural lease
- e) Conduct agricultural lease bid process

Local land characteristics, social and cultural environments significantly influence the tracts entering the bid process. In some areas, farmers negotiate terms favorable to the beneficiaries on the best land available. The remaining agricultural tracts may be substandard in their soil, water availability, etc. and bidding may be the best way of getting any operator to use the land to prevent it from going idle and resulting in reduced value. Other areas may have lands in high demand, such as riverside or irrigated tracts, where adjacent non-Trust lands are less productive. In these instances, demand may be high enough to utilize the bid process to command premium rental rates above the regionally-appraised rental rates.

Determination of which process to use in selecting the lessee is left to the relevant Tribe and BIA specialist, as they know the characteristics of the specific land, the relative demand for it in the local market, and the background and history of most local candidate lessees, in order to judge which process will provide the best overall value in terms of operator stewardship and rental income.

For Tribal lands, the Tribe itself generally performs a negotiation and assignment process to grant agricultural leases, or rights to utilize agricultural land. Most Tribes limit this to Tribal members, or utilize the tracts for use by a Tribal enterprise. Where the Tribe is unable to select a qualified operator, it may request the BIA to assist through either a negotiated or bid process to select a lessee.

Once a lessee has been selected, if the ownership contains allotment-interests, an owner consent process is performed to obtain approval from a majority of the ownership-interests for specific lease terms. All conditions to be met prior to lease approval are verified, pre-lease payments are collected, approvals are authorized, and the lease is signed and perfected. Collections are forwarded to the correct organization for deposit – the FFS for non-Trust funds, and OST/OTFM for Trust monies. Leases are forwarded to the applicable Title plant for recordation as encumbrances to title.

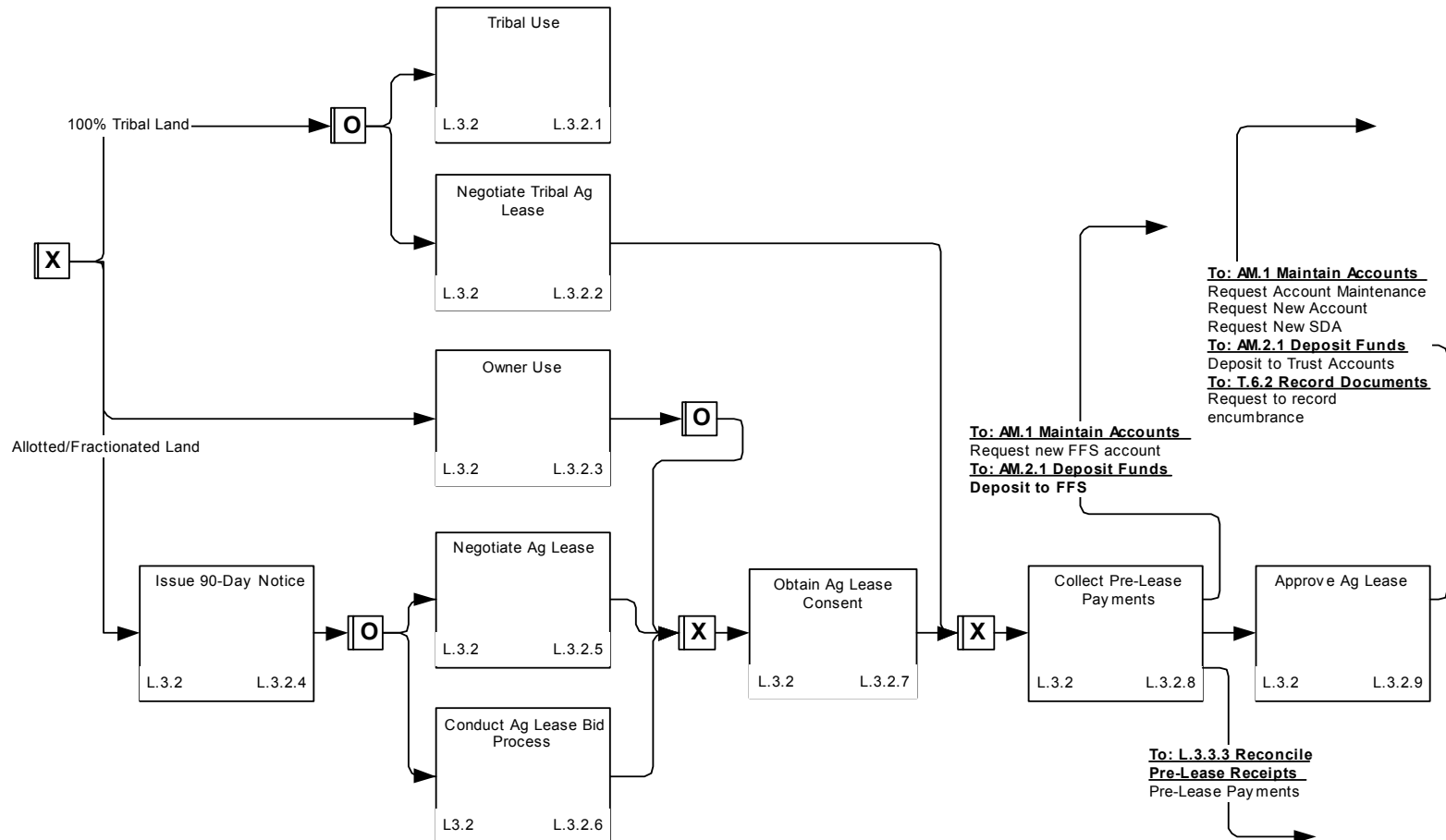


Figure 4.3.5.4- 5 Contract Agricultural Lease IDEF(3)



Beneficiary Involvement for Contract Agricultural Lease

Discussions are held with Tribes regarding the overall land utilization, the priorities and sequence of activities for lessee selection, and any Tribal stipulations or impending leases. Tribal IRMPs, Resolutions, Ordinances, and Codes frequently provide both guidance and limitations as to the land utilization, and the leasing processes.

Allotted landowner involvement is more substantial than the similar process in Range Management (L.2.2). Range Units frequently comprise thousands to tens of thousands of acres across many tracts. By contrast, agricultural tracts for lease are frequently 10–320 acres, and tracts are not usually aggregated together into a single unit for lease.

Individual beneficiaries are involved in two separate activities. First, notification is provided to them of impending availability and intent to lease or use the land. This process generally takes place approximately one-half of a year prior to the existing lease expiration or prospective lease date. BIA agencies utilize this similarly to the Obtain Authority to Grant activity in Range (see L.2.2.2). Second, many BIA agencies, per the new 25 USC 2218 (ILCA 2000), require consent from a majority of the ownership-interests prior to approving an agricultural lease.

Contract Agricultural Lease Significant Notes

- a) BIA line officials use a wide variety of approaches to obtain the authority from fractionated land ownership to lease or permit agricultural land. There is no single approach used by a majority of agencies or field offices. The baseline described above is, perhaps, the most common approach, but many variations exist. Some agencies use an original 90-Day-Notice issued years ago as the authority in virtual perpetuity. Others issue 90-Day-Notices every lease period. Still others obtain an actual majority of ownership-interests' written consent both to authorize negotiations, and after lessee selection/finalization of terms. There is a wide degree of variation in the application of the assumptions and authority provided to BIA line officials in applying their judgment to vote for the non-responding or non-compos metis ownership-interests. Some line officials aggressively exercise the authority to keep land leased and operated, while others are more reluctant to act without obtaining a positive majority response.
- b) There are many combinations of how lessees are selected, how leases are processed, all significantly influenced by Tribal land codes, historical land tenure rights, and objectives of the Tribe. Some Tribes also have authority through Self Determination Contracts or Self Governance Compacts to conduct their own agricultural leasing or agricultural land use rights processes, which may differ from what is described here.
- c) Often, all requirements in the pre-lease checklist, as described in Process L.3.2.9, Approve Ag Lease, may not be completed in a timely manner and jeopardize the ability to perfect the contract as desired by both lessee applicant and the beneficiaries. This results in a relatively wide variation of approaches to resolve the lease requirements, especially NEPA compliance clearance, and a Title Status Report (TSR). For example, the line official may develop an informal policy for the program staff or realty specialist to research any locally available documentation to prepare an uncertified TSR; e.g., from A&E cards, or local databases, which may be inconsistent with the Title Plant's relevant records. In other cases, particularly involving NEPA compliance, the lack of formal clearances delays or precludes the lease.



- d) In many cases, Tribes confer agricultural land use rights and land tenure rights, sometimes through an agricultural lease, sometimes through Tribal Resolution and/or Tribal land assignments, or through informal historical-use understandings.
- e) Direct payments and signing bonuses are a common occurrence between agricultural land lessees and individual beneficiaries. These are not described as part of the baseline process depicted here. Such direct interaction bypasses BIA resources, and is frequently untracked and known only through anecdotal reference. For further detail, see Chapter 5 discussion on direct payment.
- f) A wide variety of policies and procedures exist to collect funds related to agricultural leasing and forward it to the OST/OTFM organization for accounting and distribution to the beneficiaries. Line officials use different approaches to resolve the problem of what to do with funds collected prior to knowing which funds are Trust, which are non-Trust, and prior to the ability of the local BIA resources to properly provide a distribution advice with the funds and forward to OST/OTFM. This frequently results in untimely and error-prone tracking of the funds.
- g) Awareness and recordation for owner use of fractionated-interest land is meager at best, most frequently triggered when the BIA is notified by complaint of a co-owner's use of land without consent of the remaining co-owners. BIA resolution of contentious disputes is limited, since resources are not empowered to process trespass against an agricultural land operator who has ownership-interest in the property.



Tribal Agricultural Land Use (L.3.2.1)

This process is initiated and performed primarily by Tribes, on agricultural land that is 100% Tribally-owned. Typically, Tribal agricultural or land use committees develop plans for the Tribe or a Tribal Enterprise to use agricultural land, as provided for by 25 USC 477. Formal documentation and agricultural Leases for Tribal use are rare, and typically only issued when the Tribe requires a legal document to secure financing for equipment or land improvements related to agricultural land operations.

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graph TD
    Obligations["Obligations:  
25 USC 380  
25 CFR 162  
25 USC 477  
Tribal Ordinances & Code  
25 USC 3701(AIARMA)  
Case law"]
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Notice of Tribal use"]
    Inputs["Inputs:  
Draft Ag lease package  
Updated Ag lease stipulations  
NRCS - FSA plan  
Ag lease compliance reports  
Conservation plan  
USDA farm programs & crop  
subsidy availability"]
    Mechanisms["Mechanisms:  
Ag lease package files  
Graph / platt maps  
FSA erodable soil index  
IRMS  
Ag Files  
Local databases"]
    Controls["Controls:  
Tribal resource committee or  
council approval  
54 BIAM"]
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L.3.2 L.3.2.1"]
    Outputs["Outputs:  
Updated Ag Tract inventory"]

    Obligations --> TribalUse
    Events --> TribalUse
    Inputs --> TribalUse
    Mechanisms --> TribalUse
    Controls --> TribalUse
    TribalUse --> Outputs
  
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Figure 4.3.5.4- 6 Tribal Agricultural Land Use IDEF(0)

Negotiate Tribal Agricultural Lease (L.3.2.2)

Starts with: Tribe receives applicant request for negotiation.

Ends with: Select lessee, and draft lease package.

This process is performed primarily by the Tribe to select an individual operator of agricultural land for 100% Tribally-owned property. Tribal culture, Land Codes, social customs and historical patterns of land use guide the Tribe's discretion in selection of the operator, and whether the operator is required to record an agricultural lease, or whether a Tribal Resolution, land assignment, or informal agreement is sufficient to guide the terms and conditions of the land use.

Various Tribes grant land assignments to individual enrolled members. This typically has the same effect as granting a revocable life estate. This type of use cannot be encumbered (e.g. cannot be used as mortgage collateral, or, have liens attached to it, or be appropriated by a non-Tribal member for debts). Usually, where land assignments have been granted, no agricultural lease is recorded, and the Tribe may or may not forward the assignment information to the BIA for recordation in its realty systems.

Other Tribes may require the formal documentation of an agricultural lease, or may not find enrolled members who qualify for land assignment or operation of agricultural land and hence lease to a non-Tribal-member. Candidates are solicited and may or may not be Tribal members. Negotiations are conducted. When a candidate meets leasing requirements and acceptable terms, a selection is made. The Tribe may also request BIA participation in the negotiation, drafting, or approval of the agricultural lease package. The drafted lease package is then forwarded to the BIA for recordation.

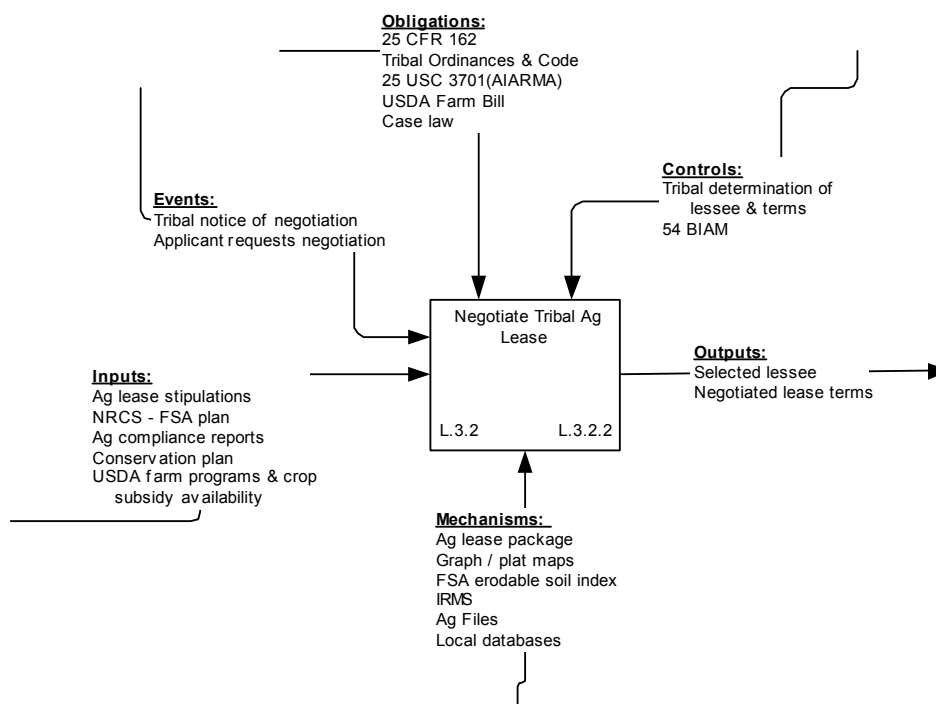


Figure 4.3.5.4- 7 Negotiate Tribal Agricultural Lease IDEF(0)

Owner Use of Agricultural land(L.3.2.3)

Starts with: Receive complaint, receive Farm Services Agency (FSA) funds for agricultural land or, receive owner-interest notification of intent to use.

Ends with: Update agricultural tract inventory.

This process is performed infrequently, and the majority of agricultural landowner use is unrecorded. The most frequent trigger initiating this process is complaint by a co-owner of tract use without that co-owner's consent. Another event starting an analysis culminating in recordation of owner use is the BIA receiving or being notified of FSA funds, such as land improvement funds or crop subsidies received through the use of agricultural land in conjunction with Natural Resource Conservation Service (NRCS)/FSA administered farm programs. Lastly, some owners notify the local BIA office of intent to use the tract in which they have an interest.

Leases are not typically issued in cases of owner use. Upon notification, the BIA requests the owner to obtain majority consent of co-owners for use of the tract, under guidance according to both 25 USC 162 Agriculture Leasing and the 25 USC 2218 ILCA regulations. Once consent is obtained, the BIA files the consent in the local office agricultural tract files. If the owner-operator is unsuccessful in obtaining consent from co-owners, the BIA attempts to mediate the situation, and may negotiate an agricultural lease to compensate the co-owners for the use of their interest in the land. Contention over use of fractionated ownership land is common, many times ending in unresolved disputes between ownership interests.

In these cases, the agricultural tract inventory is updated to show the land status as idle, but not "leasable".

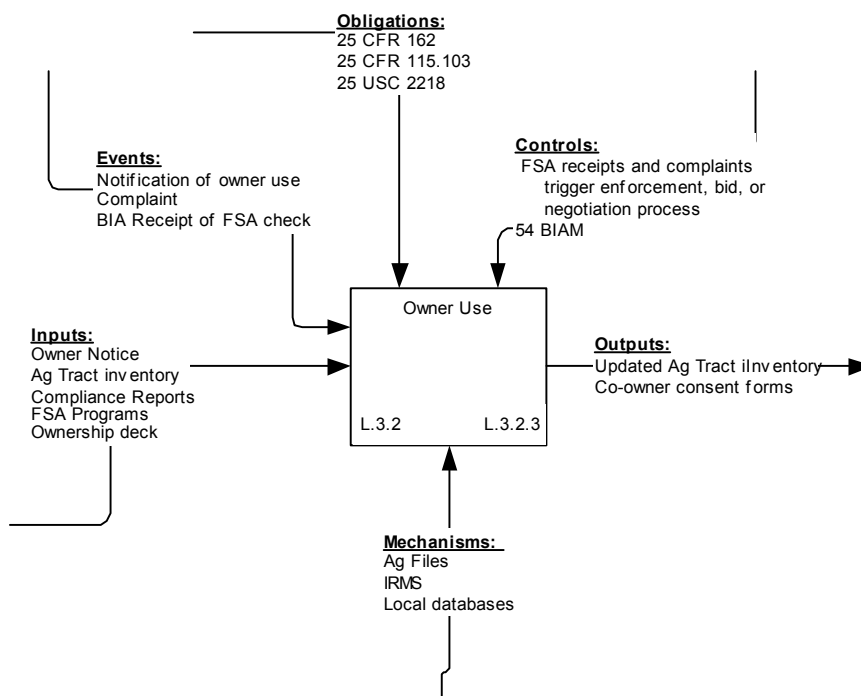


Figure 4.3.5.4- 8 Owner Use of Agricultural Land IDEF(0)



Issue 90-Day Notice (L.3.2.4)

Starts with: Confirm availability of tracts for agricultural lease.

Ends with: Compile 90-day notices response report.

Agency realty specialists review agricultural tract inventory records and issue 90-day notices to the ownership-interests of record. Sources of the ownership-interests are varied dependent upon the responsiveness and backlog of the pertinent Title Plant office, and what systems of ownership are available to the local BIA office performing this process. An ownership list is created from whatever source is available in a timely manner.

The notice informs landowners of impending use of the tract of their ownership-interest, and provides them 90 days to identify a candidate lessee and negotiate alternative lease terms within that period.

Landowners can concurrently negotiate terms with prospective lessees, respond to the BIA with consent or that they do not wish to lease the land, or provide no response. All responses are filed and a 90-Day-Notice response report is compiled. Line officials, generally the BIA agency Superintendent, are authorized to vote interests for non-respondents, non-compos-mentis owners, owners whose whereabouts are unknown and minors.

A consent report is compiled, aggregating all responses including the ownership-interests voted by the BIA line official. If no alternative lease proposal is received, nor a majority of the ownership-interests respond negatively, the BIA specialist usually proceeds to the next activity in selecting the lessee. A number of line officials expressed reluctance to authorize granting a lease in the absence of written, confirmed, positive majority responses directly from the ownership-interests.

Objections to leasing are reviewed by the appropriate land operations specialist or line official. Aside from minority objections, a draft lease package may be prepared, such as a pre-lease action item checklist, terms, bonding requirements, pre-lease payment requirements, and is made available to candidate lessees as appropriate (e.g. for lease "renewals").

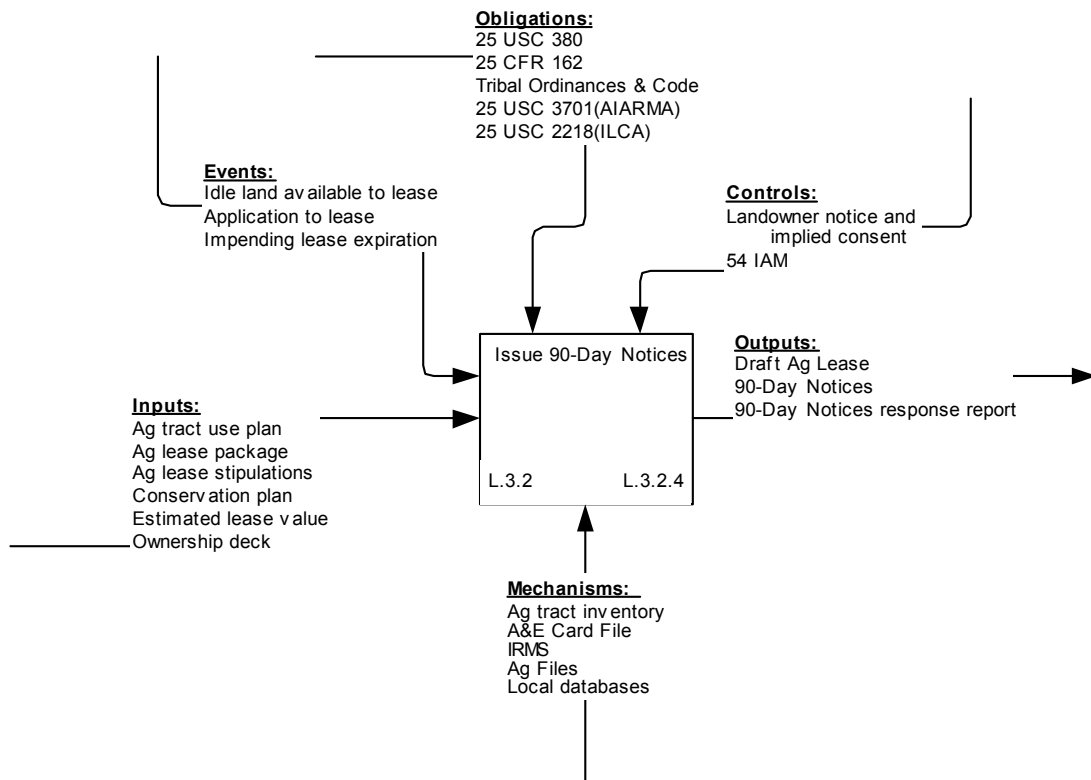


Figure 4.3.5.4- 9 Issue 90-Day Notices IDEF(0)



Negotiate Agricultural Lease (L.3.2.5)

Starts with: Receive application for agricultural lease.

Ends with: Select lessee, draft lease package, and update files.

This option of selecting a lessee is performed when:

- Tract is allotted land
- Candidate lessee application is completed
- 90-Day Notice authority has been obtained

Negotiation is planned in priority sequence to select a lessee during the Plan Agricultural Land Use process. At this point, it has been determined that negotiation is the best method of obtaining the most qualified lessee at the best rental rate.

Negotiation may also begin with notice or application to a Tribe for use of the property, and end with a selected user/operator. When this happens, the property involved is usually a tract which either has fractionated interest including both Tribal and allottee interests, or where the property has been planned as a unitized lease where both Tribal and allottee lands have been pooled into a single property for lease.

Most agricultural tracts processed through this activity are negotiations with the existing operator to continue farm/pasture operations through another lease period. Continuity rates frequently approach 80+%, and provide a consistent relationship with a known operator. For the remainder, the BIA specialists seek out candidates and negotiate the best terms possible, with inputs from the appraisal report, the conservation plan of operations, existing compliance reports, etc. Once the lessee is selected, agricultural tract inventory files, realty and billing records are updated, and a copy of the draft lease package is provided to the lessee.

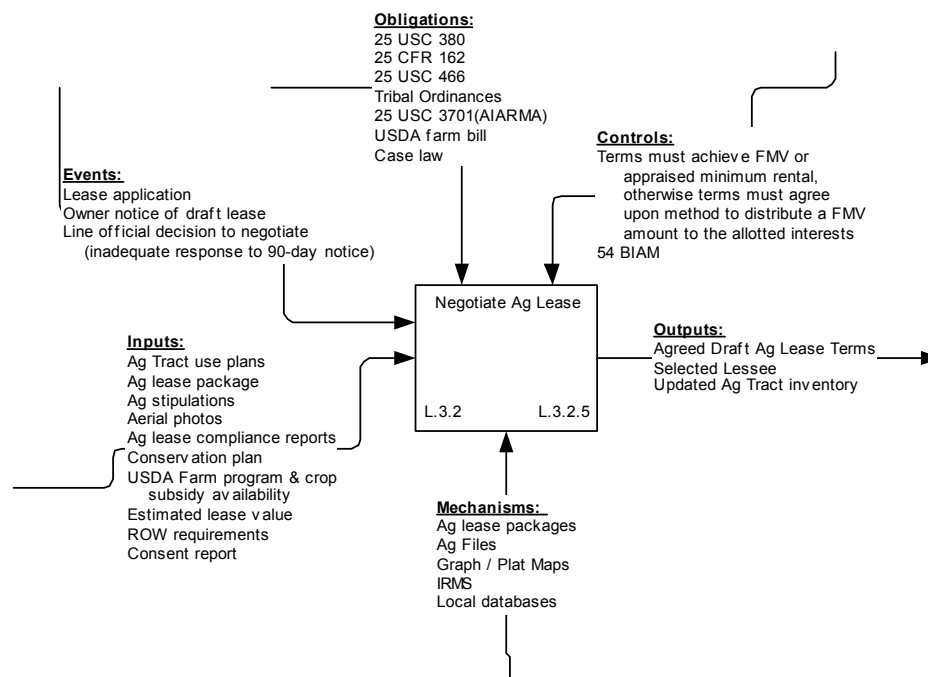


Figure 4.3.5.4- 10 Negotiate Agricultural Lease IDEF(0)



Conduct Agricultural Lease Bid Process (L.3.2.6)

Starts with: Record 90 days elapsed since issuance of 90-day notices, and, no receipt of owner-negotiated terms with prospective lessee.

Ends with: Select lessee, draft lease package, and update files.

The bid process is planned in sequence of priority during the Plan Agricultural Land Use process. At this point, it has been determined that open market bidding is the best method of obtaining either a qualified lessee, or obtaining the best rental rate from qualified operators. Virtually all agricultural tracts put up for bid are lands with fractionated ownership, but occasionally Tribes request the BIA to put Tribal land up for bid.

Information is compiled from previous suitability and monitoring activities to provide adequate descriptions and create an advertisement. Advertisements and public notices are issued. Generally, realty staff issues one mass advertisement per year for all agricultural tracts for the BIA agency or reservation. Bid responses are received, reviewed for lessee qualification, price offered and ability to meet the lease package terms, stipulations, and landowner requirements. If the selected bid does not meet all requirements, negotiations are conducted until terms are mutually acceptable, and the lessee selection is finalized.

A 'Finding of Fact' is used to lease at below appraised value. This may have resulted from changes to market value or declining marketability of the particular tract, and to prevent the tract from going "idle". Occasionally no acceptable bids are received, and the BIA may determine to hold another bid process, or initiate a negotiation process with a known qualified operator to minimize the "idle" time for the tract.

Criteria used to select the lessee are typically:

- a) Dollar value of offer
- b) Compliance history
- c) Working relationship with key Tribal members and the BIA

Once the winning bid is selected, and abstract is prepared which describes the bid process conducted, and the criteria and rationale for selecting the lessee. The abstract is reviewed and approved by the local line official.

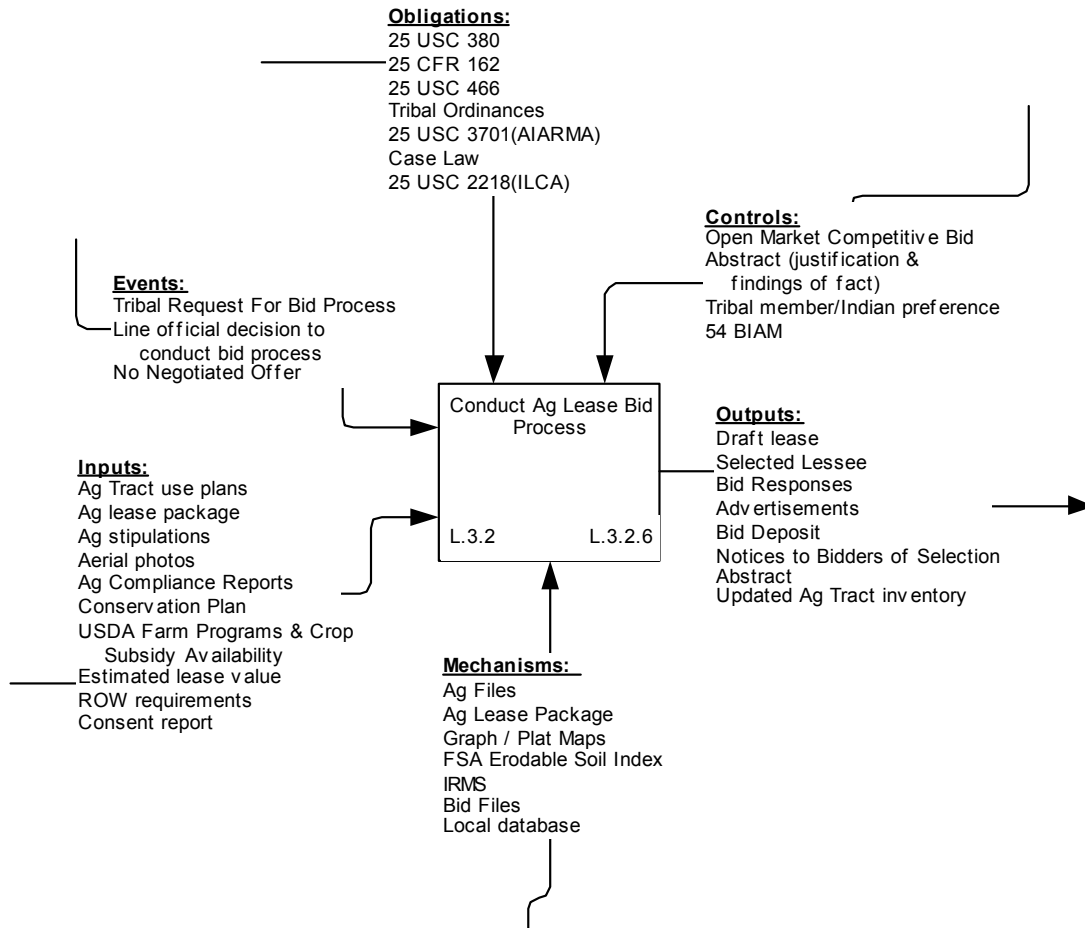


Figure 4.3.5.4- 11 Conduct Agricultural Lease Bid Process IDEF(0)



Obtain Agricultural Lease Consent (L.3.2.7)

Starts with: Issue consent letters.

Ends with: Compile consent report.

Once a lessee has been selected and a draft lease package compiled for a fractionated-interest land tract, a process is taken to provide individual beneficiaries with greater involvement in the use of their land. Although some BIA agencies rely exclusively upon grant authority obtained from the 90-Day Notice process, many agencies additionally request a separate consent from a majority of the ownership-interest in the tract after the specific lessee, rental rate, and other terms have been finalized.

Consent letters are sent to the ownership list created in the 90-Day Notice process, along with copies of the relevant terms and conditions. Consent responses are compiled and tabulated. Once appropriate thresholds have been reached, the line official authorizes subsequent activities for collection of pre-lease payments and lease approval. A consent report is compiled documenting the results.

Consent has been redefined with the 25 USC 2218 regulations, specifying different consent thresholds for tracts with different numbers of ownership-interests. In practicality, a relatively low response rate, averaging less than 10%, results in informal rules being applied:

- a) Simple majority consent is usually considered adequate.
- b) Leases are approved where consent does not meet thresholds, as long as co-owners raise no objections.
- c) Consent may not meet regulatory thresholds, or no qualified lessee exists (e.g. withdrawal of interested applicants, non-fulfillment of pre-lease checklist requirements). In these events, the agency Superintendent applies judgment for the best interests of the beneficiaries, preservation of the land, and the sustainable use of the land, to lease the tract. Other known operators may be selected for negotiation, or the tract may be put up for bid process. As a matter of prudent stewardship, the Superintendent may not wait for the consent, and may initiate negotiations with an identified candidate operator directly once the draft lease package assembled.

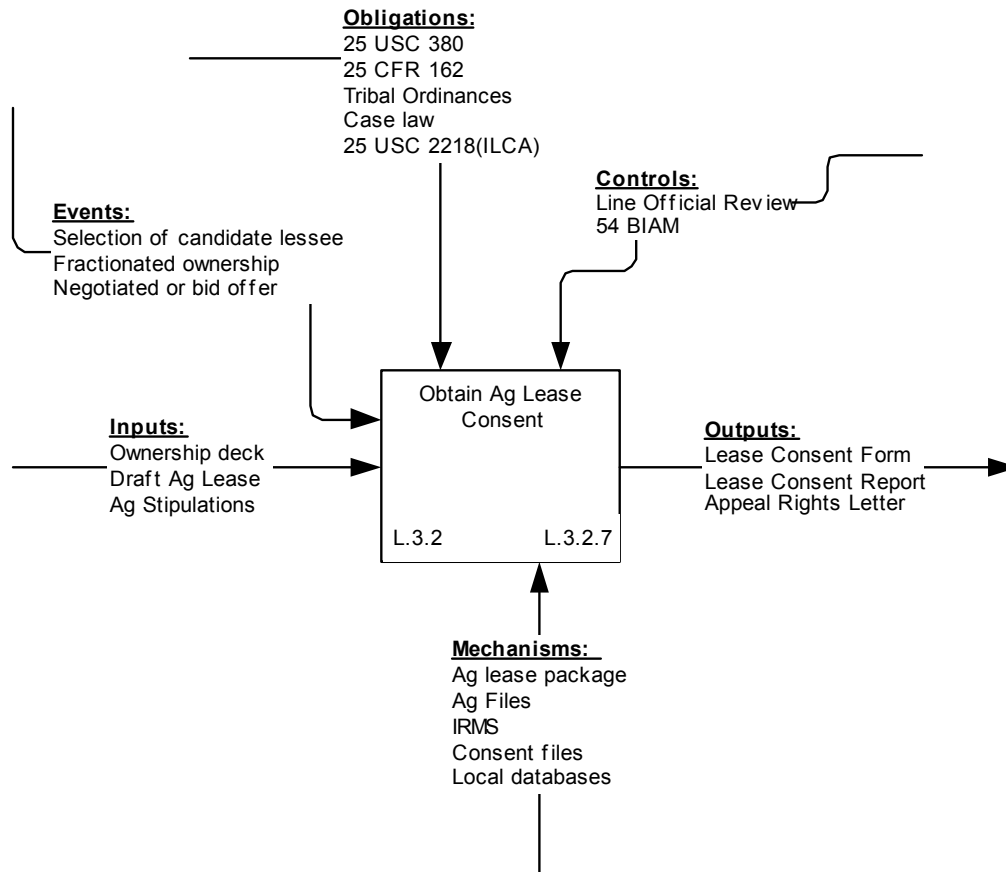


Figure 4.3.5.4- 12 Obtain Agricultural Lease Consent IDEF(0)



Collect Pre-Lease Payments (L.3.2.8)

Starts with: Receive payment from lessee, or, record non-payment by lease date.
Ends with: Forward deposits to FFS and Accounting.

Generally, collection of the pre-lease payments coincides with the following process, Approve Agricultural Lease (L.3.2.9), as most lessees physically come to the agency office and submit payment at the same time they sign the lease. Occasionally, payment is made through other mechanisms; e.g., mail.

Pre-lease collection may also overlap with the lessee selection activities, specifically if the Conduct Agricultural Lease Bid Process is performed, where bid deposits and performance bonds may be received significantly in advance of the lease date.

Pre-lease payments that are collected far enough in advance of lease approval that they need to be kept segregated from Trust funds available for distribution to beneficiaries may be sent to the Accounting process for deposit into a suspense account.

Bills for Collection are prepared and a copy is given to the lessee. The bills may be created proactively, between 30-60 days ahead of payment due date, as an invoice to the lessee, or they may be created after payment has been made, as a receipt.

All receipts are recorded in a mail or collections log. Where adequate staff allow, a mail clerk logs the receipt, a collections specialist logs the payment, and both are segregated in duties from persons who perform the billing. Payments are recorded in the appropriate realty, billing, and collection systems, and may include receipts for any of the following charges:

- a) First year lease rental fees
- b) Preparation and administrative fees
- c) Bid deposits
- d) Performance bonds
- e) Tribal fees and taxes

Checks are held for 24 hours, and deposited to a bank account (suspense account). Once the lease is approved, a distribution advice is prepared, and a transfer request is made to move rental payment funds from the suspense account to OTFM, and non-Trust funds are forwarded to FFS.

Bonds are either held in a BIA safe or deposited (e.g. cash bond) into a non-interest-bearing account in a bank.

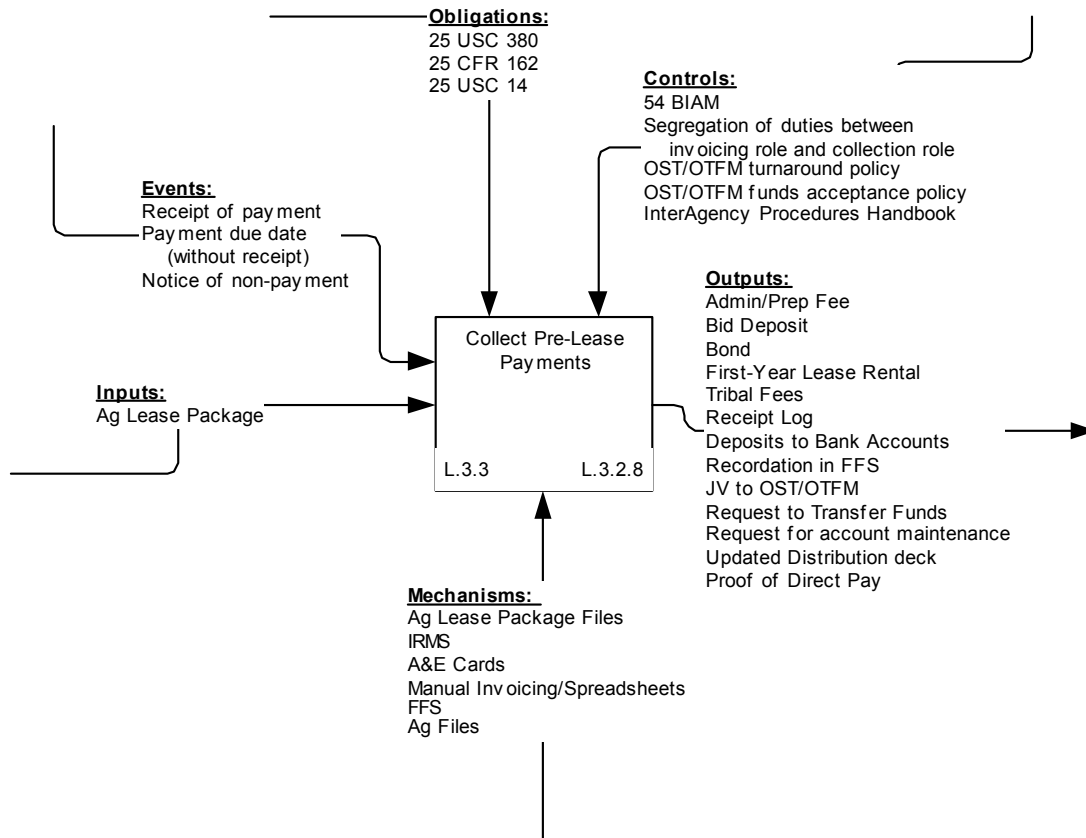


Figure 4.3.5.4- 13 Collect Pre-Lease Payments IDEF(0)



Approve Agricultural Lease (L.3.2.9)

Starts with: Confirm completion of pre-lease checklist.

Ends with: Forward funds and distribution advice to Accounting process.

As part of establishing the terms and conditions, each agricultural lease package utilizes a pre-lease checklist, including, where appropriate, specific requirements that must be completed prior to approval of the lease. Examples include but are not limited to:

- a) Pending repairs or improvements
- b) Water drainage or access improvements
- c) Weed control, tillage, soil improvements
- d) Health inspections and immunizations of animals
- e) Appraisal report
- f) Survey or legal description
- g) Title Status Report
- h) NEPA compliance clearance

All pre-lease requirements and obligations are reviewed for completion. The agricultural lease package is finalized and assembled. Copies of the lease are signed and approved. Lease information is recorded in appropriate realty and billing systems. A copy of the lease is forwarded to Title to record encumbrance(s).

A request is sent to OST/OTFM Accounting with a distribution advice and request for transfer of funds to TFAS (note that this may be accomplished in numerous ways: through electronic file transfers, journal vouchers, funds transfer requests, etc.). Requests may also be sent to Accounting to set up appropriate accounts for future operational billing and collection.

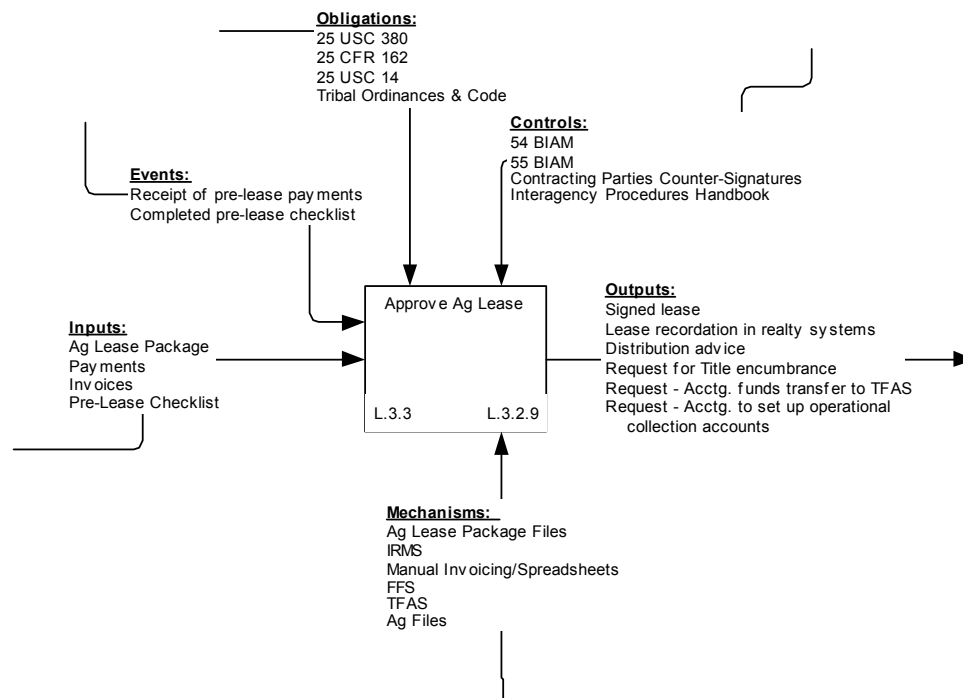


Figure 4.3.5.4- 14 Approve Agricultural Lease IDEF(0)



4.3.5.4.3 Manage Agricultural Lease Revenue (L.3.3)

Starts with: Perform annual billing and collection for agricultural lease payments.

Ends with: Reconcile distribution advice errors and undistributed funds.

Annual billing invoices are sent to lessees, and payments are collected for agricultural tract rentals.

Periodic reviews of collected but undisbursed payments are reconciled. This may include monies such as unreturned bid deposits, cash bonds for performance guarantees, and agricultural lease rental payments not yet deposited to Accounting processes for distribution.

Regular reviews and reconciliations are also performed during the annual billing and collection cycle. This cycle is typically about a quarter (e.g. 3-month to 4-month period) of the year. The BIA agencies collect the payments and usually prepare the distribution advice from different sources than the OST/OTFM Accounting processes (e.g. from A&E cards, local spreadsheets and files, IRMS system). This results in errors and transactional rejections. Such payment transfer interface inconsistencies need to be researched and resolved for the funds to be deposited to the correct beneficiary accounts and eventually distributed.

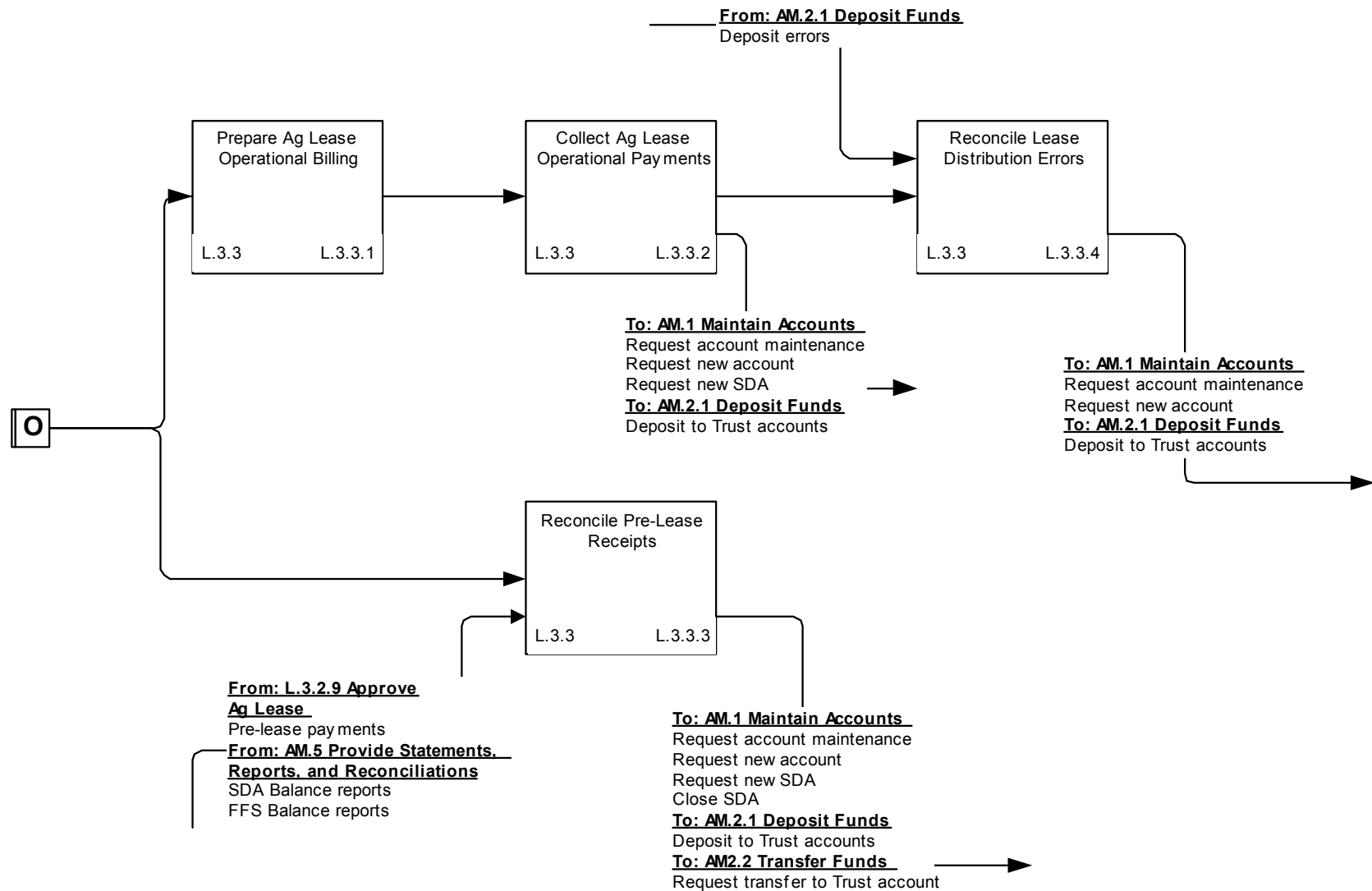


Figure 4.3.5.4- 15 Manage Agricultural Lease Revenue IDEF(3)



Beneficiary Involvement for Manage Agricultural Lease Revenue

The beneficiaries are not involved with this process. Direct payments from agricultural land lessees to landowner-interests are not part of the baseline process, but frequently occur and involve direct receipt of funds by the beneficiaries. Sources of ownership-interests information for such direct payments vary widely.

Manage Agricultural Lease Revenue Significant Notes

- a) Large suspense account or SDA balances exist at some of the BIA offices. Various payments of bid deposits, cash bonds, administrative fees, and agricultural lease rental payments are received, usually by Agencies, and deposited into a suspense account. A time lag may occur until these funds are disbursed. Bid deposits cannot be disbursed until after bid opening and lessee selection. Rental payments cannot be forwarded to OST/OTFM until a distribution advice has been prepared which is accepted by OST/OTFM systems. As a result, balances accumulate.
- b) OST/OTFM policies and procedures regarding payment collection, recordation, preparation of distribution advice, and deposit have changed several times within the last 18 months.
- c) BIA field offices and agencies, Tribes under 638 contracts, or Tribes under Self-Governance authority all may perform collections for agricultural leases involving allotted land interests. Most of these resources do not have access to ownership records or the distribution information necessary to prepare accurate distribution advices.
- d) Distribution advices frequently have error rates described at approximately 2-5% on a remittance/ ownership-interest line item basis, which commonly translates to approximately 15-20% when aggregated to all line items for a beneficiary distribution. For example, a beneficiary may have ownership-interests in 6 tracts of land. Distribution advices are prepared for each tract/ownership-interest. If 3% of the tract/ownership-interest distribution amounts are in error, then the beneficiary may experiences an 18% cumulative error rate ($6 \text{ tracts} \times 3\% = 18\%$). Most errors result in a delay in processing the distribution to the beneficiary. Some may result in an actual payment in error, either to the wrong beneficiary, or a wrong amount to the correct beneficiaries. (See the Reconcile Pre-Lease Payments process description for more detail.)



Manage Agricultural Lease Revenue Detail Description

Prepare Agricultural Lease Operational Billing (L.3.3.1)

Starts with: Generate invoices 30 days prior to anniversary of lease contract or due date.

Ends with: Pay invoice amount (by lessee).

Separate invoices are prepared for annual rental payment and for admin/preparation fees, where such fees are charged annually.

Invoices are usually delivered via mail or certified mail.

Some agencies do not issue annual invoices, relying instead only on the lease payment terms available to the lessee in the lease.

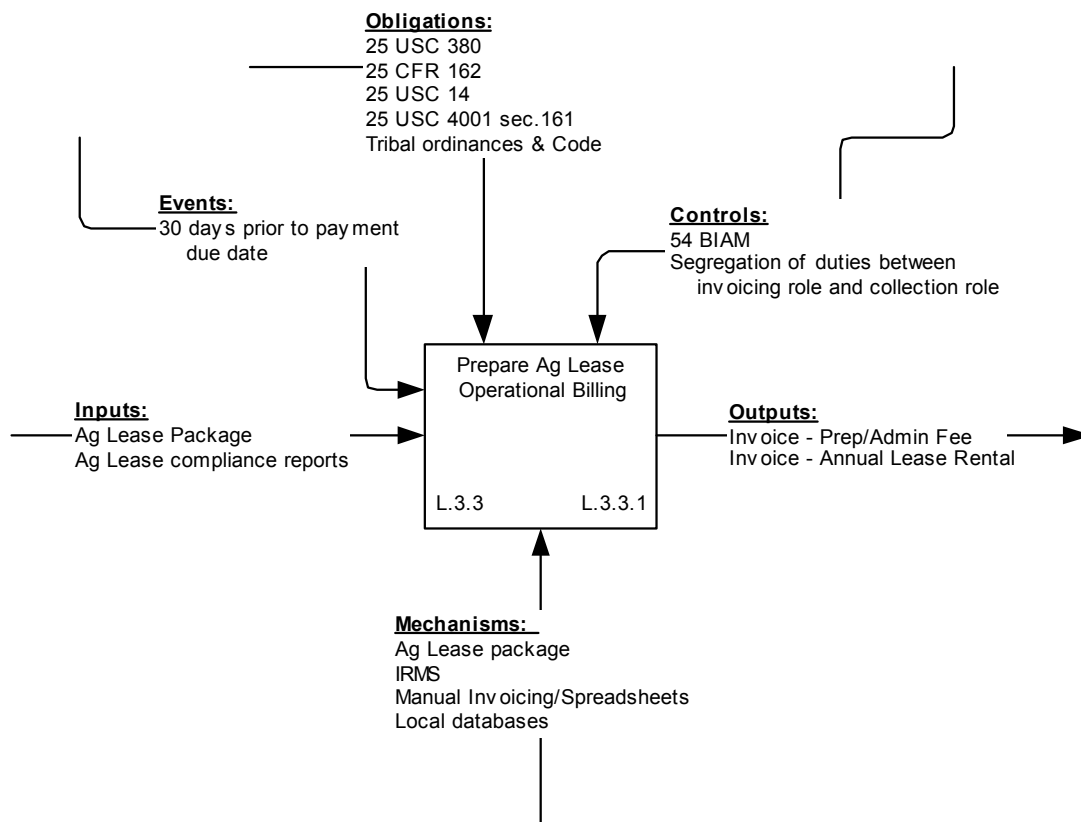


Figure 4.3.5.4- 16 Prepare Agricultural Lease Operational Billing IDEF(0)



Collect Agricultural Lease Operational Billing (L.3.3.2)

Starts with: Receive payment, or, record no payment by annual lease rental due date.
Ends with: Forward Trust funds and distribution advice to Accounting process.

All payments received by the BIA agency are logged, recorded, and deposited. Lessees may also submit a “proof of direct payment” (e.g. in the form of a cancelled check). If payment is incorrect, late, or not remitted, dunning notice takes place. The first step is generally verbal contact and request, then a dunning or 10-day show-cause notice is sent, and eventually permit cancellation or other types of remediation would be taken (see the Agricultural Lease Enforcement process L.3.4.2).

Collection is performed by a separate resource role from the realty specialists who prepare the billing, in order to maintain segregation of duties. Bills for Collection, or receipts, are created after payment has been logged. Where adequate staff allow, a mail clerk logs the receipt, and a collections specialist logs the payment and creates the Bill for Collection, both being segregated in duties from the person performing the billing. Payments are recorded into the appropriate realty and billing systems.

The program specialist prepares deposit and distribution advice. Distribution advice is calculated from whatever ownership list the specialist has available, generally the same list created at time of 90-Day Notice or Lease Approval process.

Payments of Trust funds are forwarded to Accounting for deposit with the distribution advice. Trust funds are collected and deposited in either an SDA or an individual’s IIM account.

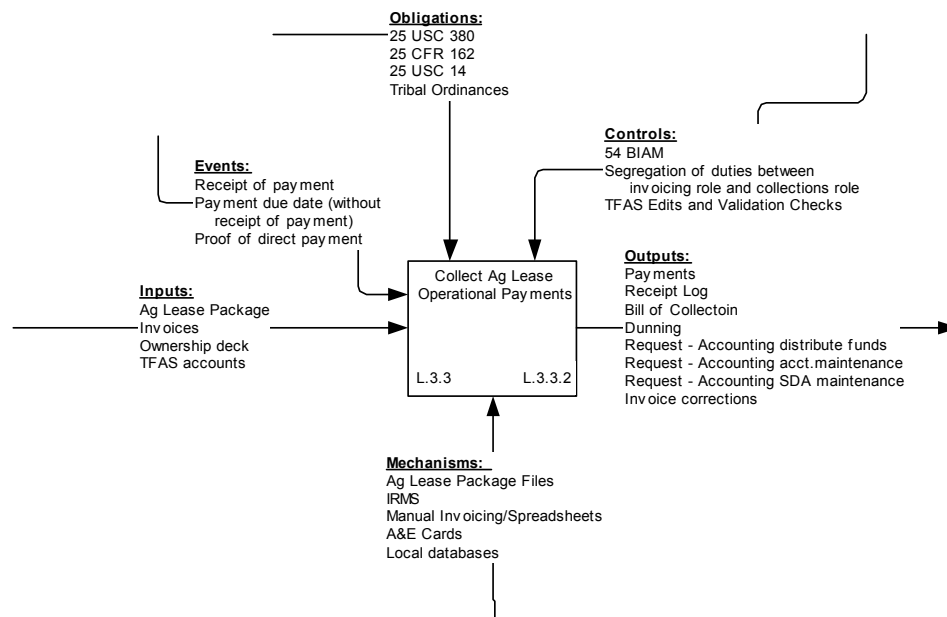


Figure 4.3.5.4- 17 Collect Agricultural Lease Operational Payments IDEF(0)



Reconcile Pre-Lease Receipts (L.3.3.3)

Starts with: Receive request to reconcile undistributed payments.

Ends with: Request Accounting transfer or distribution of funds, and, prepare reconciliation report.

Funds accumulate in suspense or SDA accounts from payments received during Contract Agricultural Lease, or Manage Agricultural Lease Revenue processes. Sources include both non-Trust and Trust funds, and the Trust funds include both revenue distributable to beneficiaries as well as administrative/preparation fees and Tribal fees or taxes. For example, SDAs may have a balance accumulated from bid deposits from a previous year's leasing, cash bonds deposited from a lease currently in force, and current lease rental payments not yet transferred to an OST/OTFM IIM account for distribution.

Balances are researched and reconciled. Certain balances are reduced via repatriation to depositors (e.g. for bid deposits on leases which have been awarded to other operators), or via transfer of funds to IIM accounts. Some balances (e.g. current year payments in process of developing distribution advices) must be retained until adequate information is obtained to accurately resolve the rightful disbursement.

Accumulated SDA balances exist for many reasons. Accounting in the OST/OTFM organization has requested that agencies not accept funds as Trust money until a valid contract exists (e.g. lease or permit). Bid deposits, cash bonds, and first year rental payments must be stored in suspense or Special Deposit Accounts, as leasing activities require some payments to be collected one to six months prior to the permit award. Accounting policies also require certain accounts to accrue interest, while others are prescribed from accrual. Accounting and Agricultural Leasing processes do not calculate the same amounts, resulting in a balance remaining in suspense until equivalency is achieved and amounts can be transferred between the processes.

Once reconciled, requests are made to the Accounting process to correct any inconsistencies and return, or transfer and distribute the funds. These requests can take the form of:

- a) Account maintenance
- b) New accounts
- c) New SDA's
- d) Close SDA's
- e) Deposit funds to Trust accounts
- d) Transfer funds to Trust accounts (e.g. from an SDA or FFS to an OTFM account)

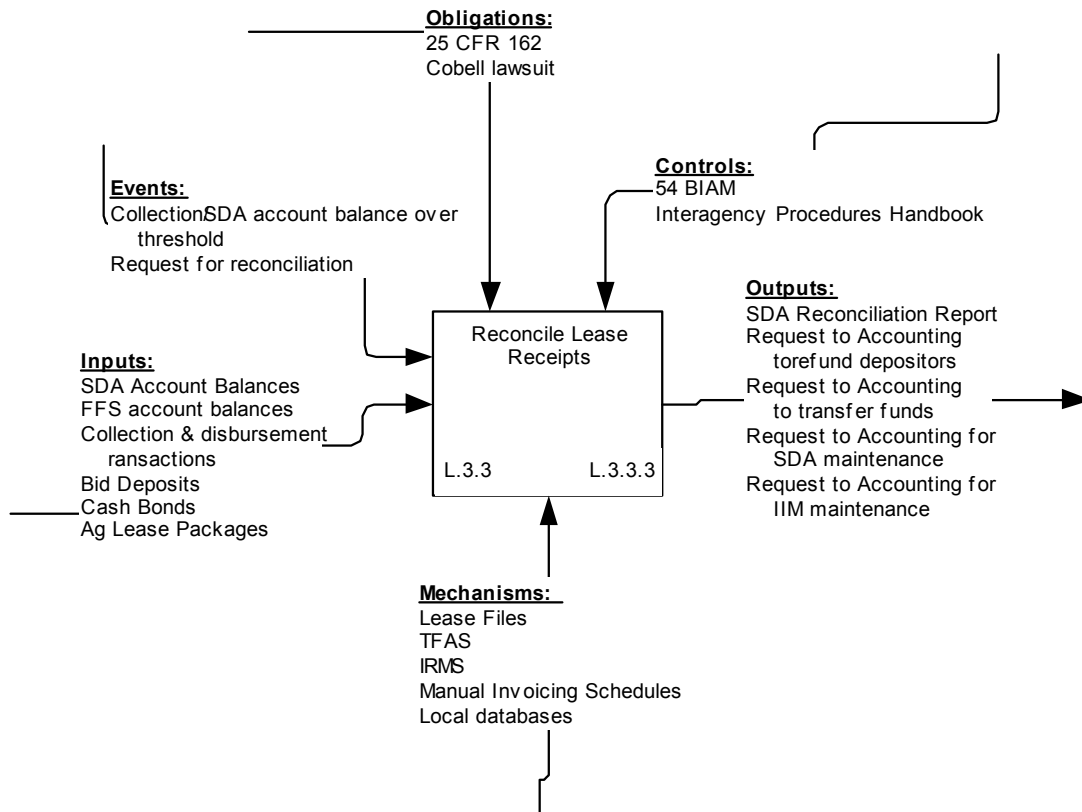


Figure 4.3.5.4- 18 Reconcile Pre-Lease Receipts IDEF(0)



Reconcile Lease Distribution Errors (L.3.3.4)

Starts with: Receive error notification from Accounting process.

Ends with: Request Accounting transfer or distribution of funds, and, prepare reconciliation report.

Distribution advices are prepared during billing and collection activities as described in Approve Agricultural Lease (L.3.2.9) and Collect Agricultural Lease Operational Payments (L.3.3.2). The sources of information for the preparation of the distribution advices are based upon the ownership-interest information available in the field office or agency where the advices are created. This information may not be consistent with the information utilized by OST/OTFM headquarters in Albuquerque, New Mexico for the transfer, deposit to a beneficiary account, and eventual distribution.

When inconsistencies are encountered, the transactions cannot be processed. The activities performed in this process include reconciliation and correction of errors and rejections encountered in the Accounting processes. (See the "Significant Notes" above for further detail.)

Manual transfers of distribution advice encounter similar problems as those agencies or regions performing an electronic transfer of the distribution advice. Edit and validation activity occurs during overnight, batch transfers or voucher transfer entry as part of the Accounting process. Fund collections are reported in Agency systems, usually local or regional in their design and operation. The records of Individual Indian accounts in these systems are frequently not identical in the records used by the OST/OTFM. Transfer requests first pass through an A17 system, providing a front-end edit, validation and common interface into the TFAS system. Inconsistencies may exist between each of these three systems (agency, A17, TFAS). Hence, an inconsistency may be found in the A17 system, researched, and corrected only to find an additional error rejection found at time of attempted posting to TFAS. Errors are researched, and various agencies, regions and headquarters are contacted to collect the reconciling information. Corrections are then made and submitted for resolution.

- a) Many sources of errors exist, but prevalent examples include:
- b) Inconsistent spelling of name
- c) Inconsistent enrollment number
- d) Inconsistent calculation of interest accruals
- e) Ownership interests on a specific collection payment's distribution advice not totaling 100%
- f) Youpee corrections in TFAS system may not be consistent with local ownership records
- g) Probate ownership updates may be recorded at different times in the different systems (e.g. Accounts may already be closed for distribution, yet the distribution advice indicates the deceased.)

Uncertified TSRs may be requested from the Title process to reconcile the errors regarding ownership. Corrections are made to bring the processes and systems into alignment, and the funds transfers and deposits are reprocessed.

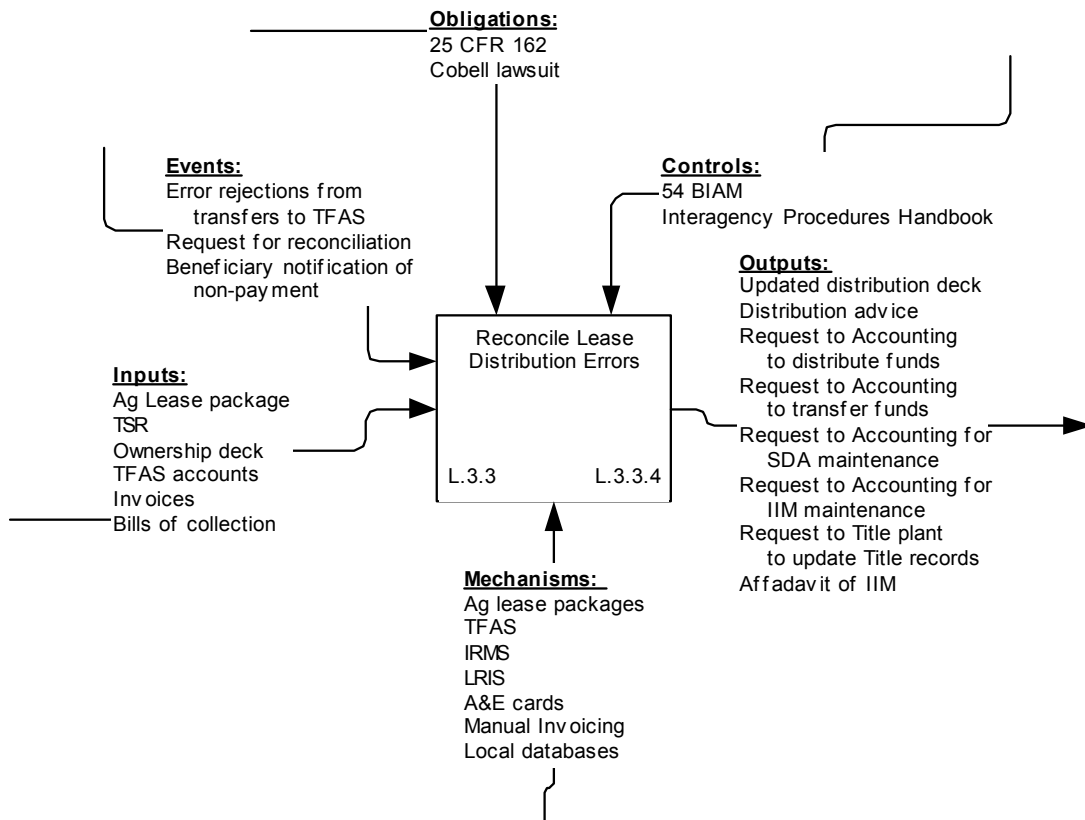


Figure 4.3.5.4- 19 Reconcile Lease Distribution Error



4.3.5.4.4 Manage Agricultural Lease (L.3.4)

Starts with: Monitor agricultural land and leases for compliance.

Ends with: Close agricultural lease and request final funds distribution.

Land utilization, condition of forage and water access; fertilization and tillage practices; animal counts; operating agricultural land according to the terms of the lease issued; trespass; and financial compliance are all monitored as part of this process. When complaints are received or non-compliance is observed, enforcement activities are initiated. Requests for changes may be reviewed and approved, resulting in modifications of existing leases. However, when the changes are of sufficient magnitude, leases are terminated and a new lease is issued. Closure may happen through natural expiration of the term of duration, or they may be terminated for cause. Most typical terminations are non-payment for two or more consecutive payment cycles.

Periodic inspections, both of the land, crops, animals, and financial compliance, are performed. Inspections may be formal and scheduled in nature, or they may be informal in nature, such as "drive-by" casual sight inspections to ensure there are no flagrant breaches of terms or material changes to the condition of the land.

Upon closure of the lease, requests are made to appropriately transfer and distribute funds. If non-compliance has caused damage, a request may be made to transfer performance and surety bonds, or deposits in FFS to the Trust funds to compensate for the damages incurred. Otherwise, requests are made to return such deposits to the lessee.

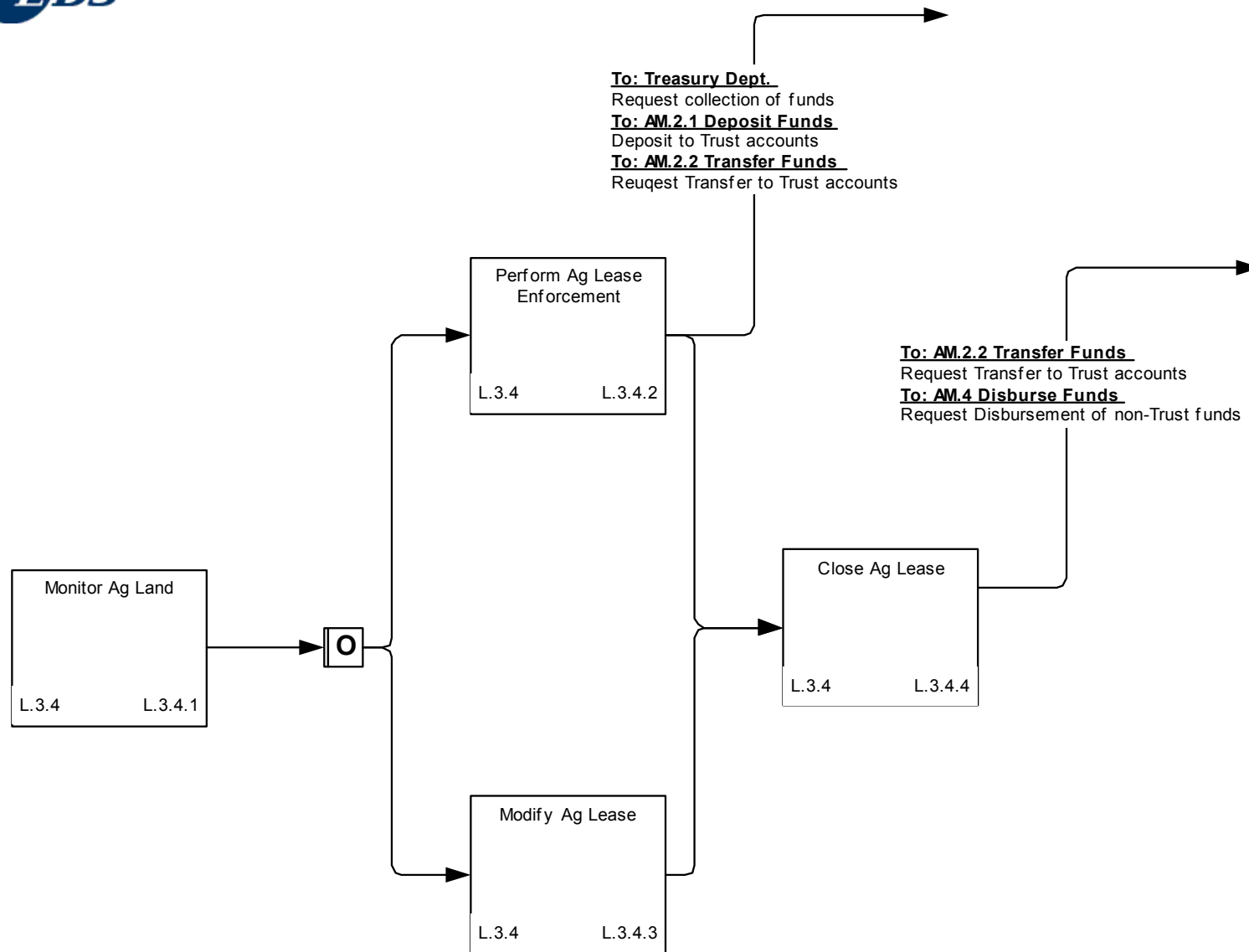


Figure 4.3.5.4- 20 Manage Agricultural Lease IDEF(3)



Beneficiary Involvement for Manage Agricultural Lease

Individual landowners or allotted-owner-interests are involved to the extent they monitor their own tract areas and report complaints to either the BIA or Tribal authorities for resolution. This is the primary method of identifying non-compliance on rangeland.

Tribes, especially those with 638 contracts or Self-Governance compacts, frequently have funds provided to staff a soil technician, agricultural specialist, and/or law enforcement roles, and perform their own monitoring and enforcement.

Manage Agricultural Lease Significant Notes

- a) Most of the Trust agricultural land experiences minimal inspection and compliance monitoring, with workload and inadequate staff as the primary limiting factors. It is common to encounter Reservations where 5-10% of the agricultural tracts are inspected on an annual basis, and rely primarily upon owner or operator complaints. Most Agencies report they have experienced reductions of 50% to 90% in agricultural leasing (farm/pasture) program staffing over the last 30 years.
- b) Where inspections are performed, there is a high incidence of non-compliance. Many agencies described 70-90% non-compliance rates when a formal inspection and agricultural tract monitoring report were completed.
- c) Many Tribes have the Manage Agricultural Land process split in responsibilities between utilization monitoring and permit compliance monitoring by the BIA, and enforcement by Tribal range and law officers.
- d) Reservations and PDA (Public Domain Allotments) where Public Law 280 is in effect have great difficulty in engaging enforcement activities by the public officials, or to successfully prosecute trespass, due to the high threshold of damages required for action, and due to other priorities and demands upon public law enforcement and prosecution.
- e) Programmatic reviews of self-governance Tribes are occurring once per year, however they are limited to documentation review and do not include on-site assessment of agricultural program operations and land conditions.



Manage Agricultural Lease Detail Description

Monitor Agricultural Land (L.3.4.1)

Starts with: Receive a complaint of non-compliance, or, schedule inspection monitoring of an agricultural lease tract.

Ends with: Prepare an inspection report, and, request appropriate enforcement actions.

Numerous changes may trigger compliance monitoring. Although some formal, scheduled monitoring activities take place resulting in a report, most monitoring is triggered by informal activities or passive notifications and complaints:

- a) Contract violations
- b) Asset changes (e.g. natural events such as fires, floods)
- c) Notice of complaint or compliance issue
- d) Drive-by observations
- e) Non-payment of annual rentals

Most monitoring is based on seasonal schedules, events, and availability of resources. For example, tilling, planting, fertilization, harvest are normal times for key land use checkpoints. Monitoring includes inspecting the condition of land to ensure sustained yield and proper land use to maximize long-term beneficiary profit.

The inspection report is prepared noting dates, conditions, and compliance characteristics observed. Information collected includes the condition of the land to ensure sustainable yield management.

An inspection may also gather information needs on other leases or permits in the same or adjacent geographic area. Very little monitoring is performed for non-leased land, whether listed as idle tracts, or owner use.

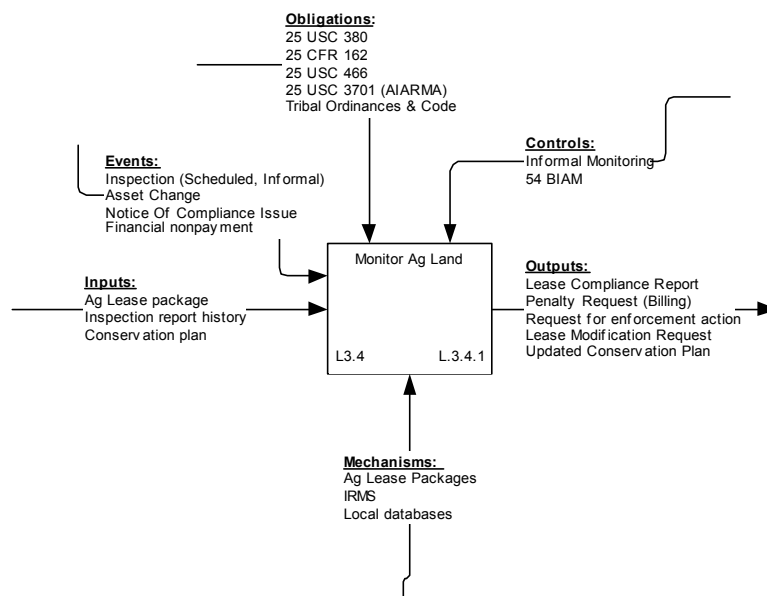


Figure 4.3.5.4- 21 Monitor Agricultural Land IDEF(0)



Perform Agricultural Lease Enforcement (L.3.4.2)

Starts with: Receive request enforcement, and, receive inspection report.

Ends with: Mediate acceptable resolution, or, request termination of agricultural lease for cause.

Most enforcement is performed with a guiding principle of retaining a viable working relationship with landowners, operators, Tribes, and other interested parties.

Typically, first actions are verbal, informational warnings with a request to resolve the noncompliance issue. If unresolved, a 10-day show-cause notice is issued, giving the offending party 10 days to show good reason for the issue, or, resolve and eliminate the issue. Left unresolved, the agency specialist may confer with the superintendent to determine appropriate action. This may include billing for damages, requesting permit cancellation, and the like. Where appropriate, Tribal police or civil law enforcement are engaged. Generally, for large damages or more serious situations, the Regional Director may be notified for input and review.

Resolution is most often a verbal agreement with lessee or between neighboring operators without a formal enforcement action.

Approximately 10-15% of inspections yield enforcement actions, after informal resolution efforts have been attempted. Financial non-payment issues may be turned over to the Treasury Department for collection via a Request for Collection of Funds.

In cases of livestock trespass, the BIA uses 25 CFR 166 regulations to determine enforcement actions and damages assessments.

Any enforcement actions such as show-cause notices are subject to appeal as provided in 25 CFR 166 and escalate to the IBIA for further resolution.

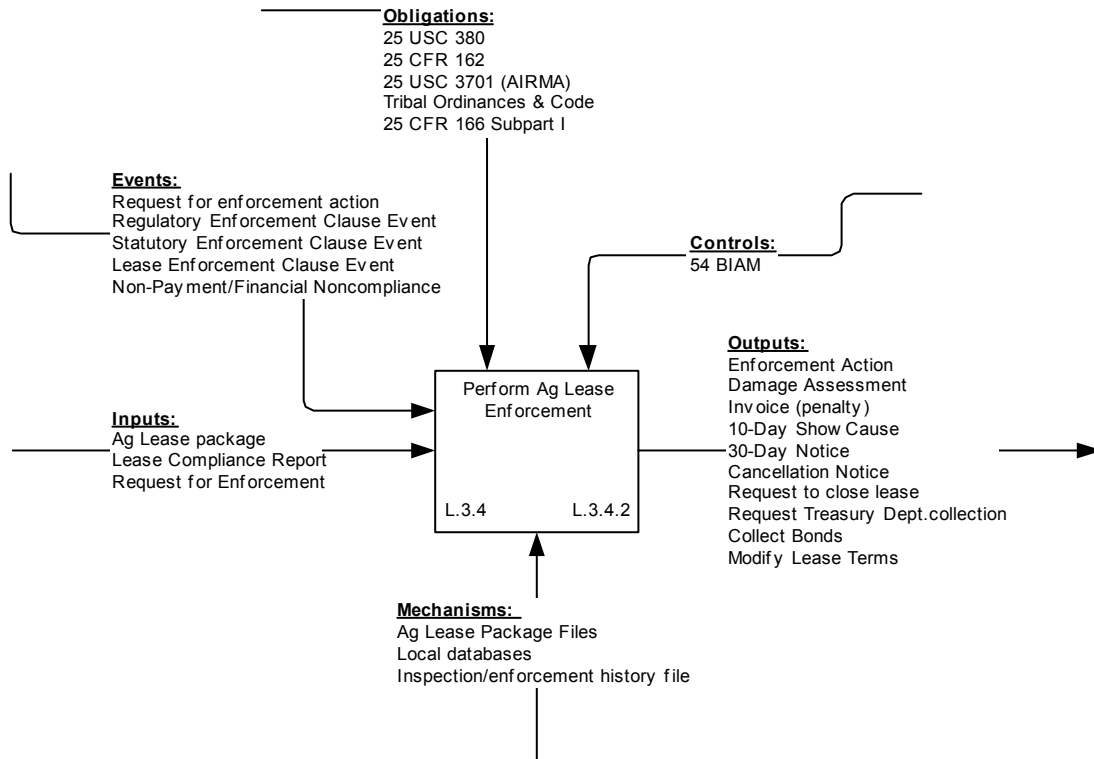


Figure 4.3.5.4- 22 Perform Agricultural Lease Enforcement IDEF(0)

Modify Agricultural Lease (L.3.4.3)

Starts with: Receive request to change the agricultural lease.

Ends with: Sign modified contract by all contracting parties.

Various events may trigger the request to change an agricultural lease. Examples include:

- a) Change to a rental rate
- b) Additions or deletions of land or property to the tract
- c) Change to season of use
- d) Change to allowed crops, crop rotation
- e) Request for assignment or transfer of rights
- f) Non-compliance of permittee on terms of use
- g) Advance payment
- h) Lessee requesting addition of co-operator
- i) Lowering of rental in times of drought

The request is reviewed by the Soil Conservationist or natural resources program specialist, and approved or rejected by the Superintendent. If approved, modifications are made to the permit package. Lessees and landowners are notified if there are impacts to land base included in the lease, or in the amount of the rental payments. Administrative and clerical error correction changes are typically completed without signatures.

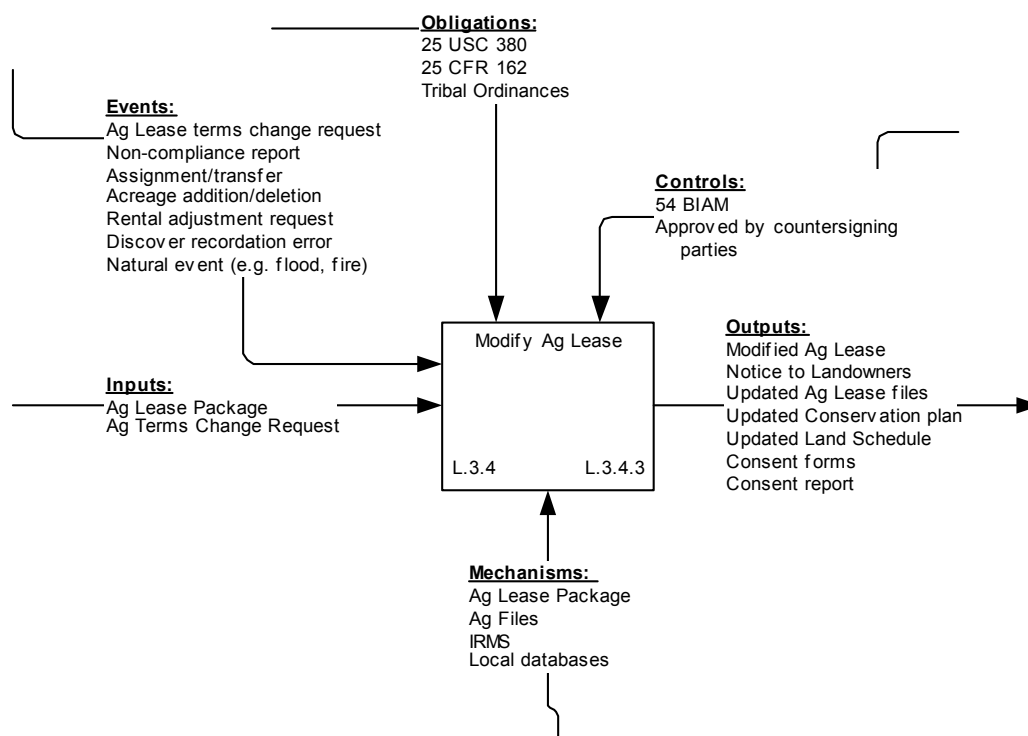


Figure 4.3.5.4- 23 Modify Agricultural Lease IDEF(0)

Close Agricultural Lease (L.3.4.4)

Starts with: Record expiration of the lease, or, receive a request to terminate the agricultural lease.

Ends with: Request transfer and disbursement of funds.

Leases are typically closed through passive expiration of the lease period. Early termination of lease is rare. If deposits or performance bonds have been collected from the lessee, a final compliance check is performed, reviewing the last inspection report and financial status on the lease, before requesting disbursements of funds. If the lease is closed for cause or damages are found in need of recovery, the damage value up to the face amount of the bond may be collected for compensation via a Request to Transfer Funds. This initiated an Accounting process to transfer the funds into Trust accounts, which then can be used to compensate for the damages.

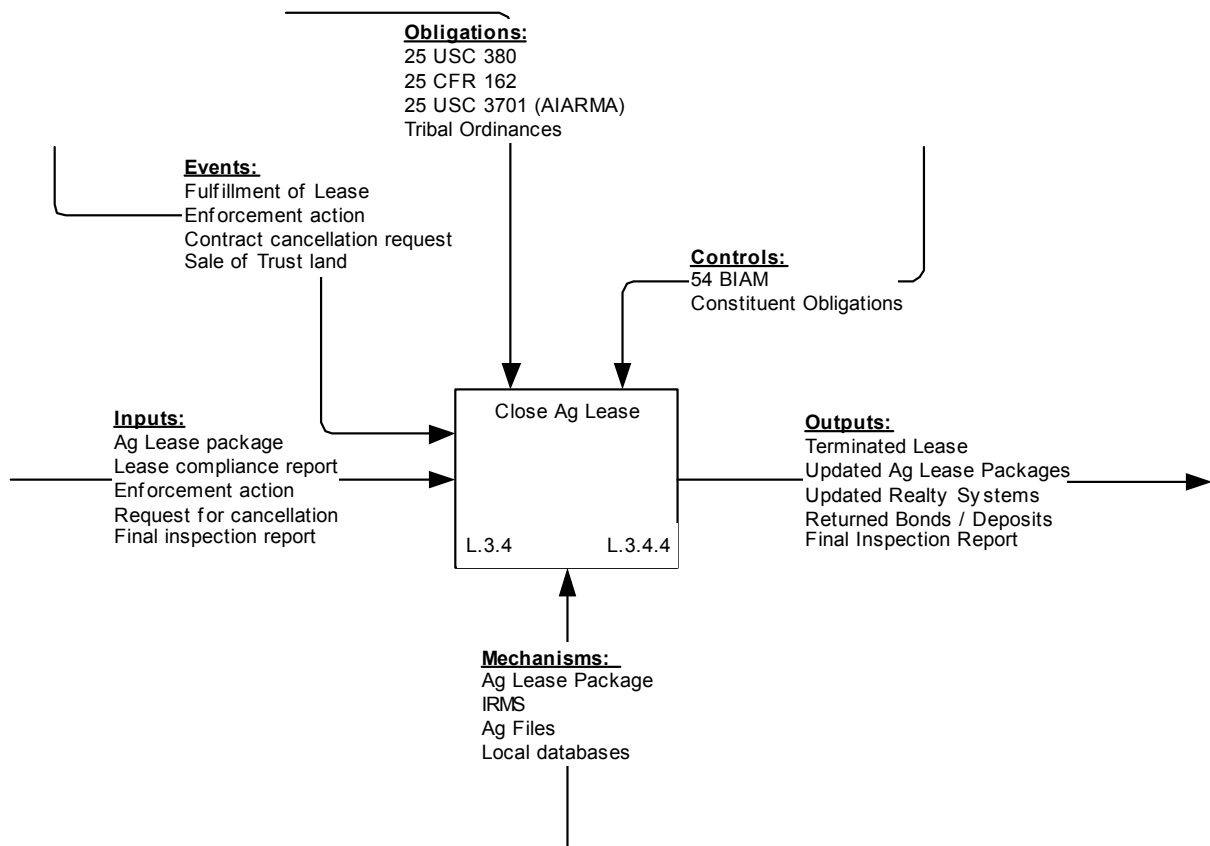


Figure 4.3.5.4- 24 Close Agricultural Lease IDEF(0)



4.4.5.4.5 Agricultural Leasing Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.5.4- 1 Great Plains Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains BIA Agency offices	Process	Cash bonds are deposited in non-interest-bearing accounts. CD's are held in safes at the agency	Procedural	Complicates reconciliation of Trust vs. non-Trust funds, as well as accounting for the non-Trust funds and return of these funds to the depositor (unsuccessful bidder after lease approval, or, lessee at end of lease term).	Medium	Minor
Great Plains BIA Agency offices	Process Inputs Outputs	Agencies allow landowners to select the ability to receive direct payments, but frequently do not receive any notice or proof of the payments (from lessee). The beneficiaries or lessee may request no billing (direct payment based upon the agricultural lease terms), or, BIA Agencies performing annual invoicing to the lessee. The lessee who then directly pays the owner-interests identified at the time of lease origination.	Procedural	Limited controls exist to ensure the correct landowners are receiving the correct payments per the agricultural lease. Where this happens, beneficiaries receive incorrect W-2 statements from the Trust. Since lessees are provided ownership interests only at the beginning of a lease, it is problematic to ensure that correct payments go to	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				the correct beneficiaries if ownership-interests change during the lease term.		
Great Plains BIA Agency offices	Control	Some agencies perform billing and/or collections for Tribal leases/permits of Tribal land, even though the BIA does not approve, sign, or manage these leases. Also, due to “unitized” agricultural leases of “checkerboarded” ownership tracts, the BIA sometimes bills and collects for non-Trust interests.	Procedural	Moderate additional workload for local program and realty resources. Significant additional complexities in segregating Trust and non-Trust funds. This can cause errors in administering collection and distribution advice information and result in incorrect beneficiary distributions.	High	Medium
BIA Lower Brule Agency	Process Outputs	No bid deposits are required for agricultural leases where bidding is performed, but a surety bond is required. All amounts due are billed and collected after contract approval and signature.	Procedural	Minimal	Low	Minor
Great Plains BIA Regional office	Mechanism Role	The MAD system is used to automatically generate between 8-20,000 90-Day Notices each year for obtaining authority to grant agricultural leases. This requires additional roles for maintaining MAD information, and a computer system specialist to	System (benefit)	Large reduction in workload compared to manual preparation of notices. Impacts are directly proportionate to the number of landowner interests.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		perform programming and/or set appropriate parameters for generation of notices.				
Great Plains BIA Regional and Agency offices	Mechanism Process	The MAD system is used to perform all billing, record collections, calculate and electronically transfer deposit and distribution advice information on a nightly basis to OST/OTFM. A set of rejected transactions is created overnight, when batches of funds transfer requests and distribution advices are processed. Rejects occur when the records of ownership in MAD are not identical to the records used by the OST/OTFM headquarters in the TFAS system. Data passes from MAD through an NX system, which provides a front-end edit, validation and common interface into the TFAS system. Inconsistencies may exist between each of these three systems (agency, NX, TFAS). Inconsistencies found from NX rejects, may be corrected only to find an additional error rejection found at time of attempted posting to TFAS.	System	Substantial effort reduction is achieved in billing and preparation of distribution advices, since the system is automated. However: A separate interface correction process is necessary due to this automated interface from MAD to TFAS. Errors are researched, and various agencies, regions and headquarters are contacted to collect the reconciling information. Corrections are then made and submitted for resolution.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Rosebud Agency	Process Mechanism	[Impacts specific to Rosebud for the reconciliation of errors due to data inconsistencies between the realty records in MAD, and the accounting and distribution systems of OST/OTFM, as described above.]	System Constraint	Between one and two and a half months elapsed time is required to complete reconciliation of errors. Approximately 200 land-owner-interests produce interface error rejects each year. Current unreconciled interface rejects for Rosebud agency currently total \$3million as of July 2002 (money delayed from distribution to beneficiaries).	High	Major
Great Plains Region BIA Regional and Agency offices	Mechanism Process Role	It takes anywhere from one to three months to correct most errors in the Distribution Reconciliation process, due to the large number of owner-interests. Current suspense errors totaled \$3million as of July 2002. Systems are not integrated, and have inconsistent data, resulting in elongated reconciliation time for distribution advice problems.	System constraints Fractionation	Long elapsed times for lease payment distribution to beneficiaries.	High	Medium



Table 4.3.5.4- 2 Midwest Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Ashland, WI Field Office	Role Organization	Realty specialist performs field surveys and plat survey work (instead of BLM or contracted party).	Budget	Surveys are performed more timely, resulting in more formally contracted land use, with less idle land and trespass.	Medium	Minor
Midwest Region BIA and Tribal offices	Process Inputs Outputs	Direct payment (from lessee or permittee to owners) is frequently the method used for billing and collection on agricultural leases and permits, estimated by work session participants as used for approximately half of all contracts.	Culture	Lessees do not have a method of keeping current, accurate records of owner-interests, and may provide incorrect payments and occasionally remit to incorrect people. Ownership-interests do not receive the detailed information necessary to monitor their receipts, effectively reducing the ability to ensure accurate monitoring of lease receivables.	High	Major
Midwest Region BIA and Tribal offices	Process	Leases and permits for recreational and lakeshore use comprise the largest body of agricultural land use in this region, and are usually 5 to 10 years in duration. Due to the popularity and high demand for this property, many Tribes limit	Culture Procedural	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		contracts to enrolled members, or Native Americans, either through informal policy or through ordinances.				
Midwest Region BIA and Tribal offices	Roles Organization Process	<p>Roles, responsibilities, and handoffs between Tribal and BIA activities are more varied than most regions. Four major profiles of BIA involvement were identified:</p> <ol style="list-style-type: none">1) Tribes perform planning, lease the property, owners receive direct payment, with no notice to the BIA.2) Tribes perform planning, lease the property, owners receive direct payment, and copies are provided to the BIA. This may occur as post-facto notice, or, provided for BIA line official approval and signature on the lease.3) Tribes perform planning, lease the property, and provide the lease to BIA to perform collection and distribution of payments.4) BIA performs planning, leasing, collection and distribution for the property.	Tribal policy Obligations Procedural	Limited controls exist to ensure the correct landowners are receiving the correct payments per the agricultural lease.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Midwest Regional Office, Red Lake and Bemidji Field offices, and all Minnesota Tribal offices	Roles Organization	All Minnesota Tribes do their own billing & collection. The BIA performs financial compliance monitoring via an annual report of revenues voluntarily provided by the Tribes. There is no agreed upon standard for this reporting, and it is often inconsistent or incomplete.	Tribal policy Obligations	Limited controls exist to ensure the correct landowners are receiving the correct payments per the agricultural lease. Where this happens, beneficiaries may receive incorrect W-2 statements from the Trust. Since lessees are provided ownership interests only at the beginning of a lease, payments may not be correct or go to the correct beneficiaries if ownership-interests change during the lease term.	High	Major
Midwest Region BIA and Tribal offices	Roles Organization Process	Tribes perform most of the planning, suitability assessments, and also a significant portion of the leasing. Leasing and permitting, especially for recreational and lakeshore use, may commonly be conducted without significant BIA involvement or awareness, whether or not allotted land ownership-interests are involved. Tribes sometimes choose to contract verbally and not	Tribal policy Procedural	Work session participants estimated the volume to average approximately 200-250 leases per year for each Tribe, which may vary widely between Tribes. There is no comprehensive visibility to land use, limiting the ability to plan effectively. This makes ensuring protection of individual beneficiaries'	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		document leases or permits. Property involved is usually a tract which either has fractionated interest including both Tribal and allotted-land ownership interests, or where the property has been planned as a unitized lease where both Tribal and allotted lands have been pooled into a single property for lease.		rights problematic.		

Table 4.3.5.4- 3 Eastern Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Seminole Agency, Seminole Tribal office, Choctaw Tribal office	Obligation	The Seminole and Choctaw Tribes contract realty performing all agricultural leasing with nominal BIA involvement. The BIA Superintendent is requested to approve a few leases, where the lessee wants to protect their interests or receive operational financing.	Federal Law	Minimal	Low	Major



Table 4.3.5.4- 4 Alaska Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region BIA Agencies, Contracted Service Provider offices	Obligation	Per Native Alaskan Allotment Act of 1906, the Federal government does not manage and sign all leases/permits; but has an obligation to advise allottees.	Federal Law	Three major profiles of BIA involvement were discussed as common procedure: 1) Allotted landowners plan and permit the property, and receive direct payment from permittees. The BIA may or may not be notified. 2) Allotted landowners plan and permit the property, providing the permit to BIA for collection and distribution of payments. 3) The BIA plans, permits the property, collects and distributes revenues, with the allotted landowners involved only by providing consent.	High	Major
Alaska Region BIA Agencies, Contracted Service Provider offices	Process Roles	Obtaining landowner consent is substantially different for allotted lands, many of which are still owned by original allottees, or have gone through no more than one generation of heirship. Hence, fractionation is not yet a	Federal Law	Significantly increased cost and time to obtain an approved lease. Applicant permittees and individual beneficiaries may attempt to circumvent BIA or CSP participation in the process,	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		<p>significant issue. Most realty work is performed by Contracted Service Providers (CSPs). A generalized sequence to perfect a permit is as follows:</p> <p>Applicant lessee/permittee contacts and negotiates with owner</p> <p>Applicant drafts lease or permit, and owner signs</p> <p>Permittee submits application and draft contract to BIA realty or CSP</p> <p>BIA / CSP redrafts the permit on authorized forms, utilizing authorized terms</p> <p>Report of Investigation is completed</p> <p>Signatures are obtained from realty provider, lessee, and all owner-interests</p> <p>Note that all parties sign the leases/permits except the BIA.</p>		<p>and direct “cash for use” transactions between parties are common. Applicants, particularly oil companies on the North Slope, may apply high-pressure tactics to directly negotiate and pay landowners. Examples cited companies requesting beneficiaries to directly sign pre-completed contract forms within a few weeks before intended use, with the stated or implied risk that if not agreed to immediately, the offer will be withdrawn. BIA and CSP organizations frequently are not informed of most of the owner-negotiated, direct pay leases and permits, and have limited visibility to that land use.</p>		
Alaska Region BIA Agencies, Contracted Service Provider Offices	Process	<p>No farm/pasture leasing is performed for allotted land in Alaska. BIA-approved leasing/permitting is comprised of three primary types of land use:</p> <p>1) Miscellaneous permits; e.g.,</p>	Land Characteristics	<p>Wide variations in types of use, land characteristics, and location require a broad array of skills and knowledge from resources involved in leasing and</p>	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		gathering, filming, archeological studies; 2) Revocable use permits for recreation; e.g., hunting, fishing, vacationing; 3) Revocable use permits for easements; e.g., oil company access for seismic testing. The term of these leases and permits varies widely, dependent upon the specific intended use of the property. Many contracts are issued only for a three or six month season. Others range from 5 to 20 years, where the use (e.g. operation of guided fishing tours, constructing fishing set-net sites, etc.) requires substantial time to recapture initial start-up costs.		permitting.		
Alaska Region BIA Agencies, Contracted Service Provider offices	Process	All BIA-approved agricultural land contracts are on allotted lands. While some are leases, most are revocable use permits, usually initiated by the applicant, and the only method of lessee/permittee selection is through negotiation. No Tribal-negotiated leases are documented. Due to the scattered, remote locations and land characteristics of allotted tracts, competitive	Land Characteristics	Agricultural leasing and permitting is sometimes initiated without BIA awareness. Future involvement and adherence to required procedures is problematic. Trust landowners and permittees are often motivated to keep the BIA from participating, due to the increases in time and cost. Completion of	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		bidding is not performed. Owner use and Tribal use are not documented.		BIA requirements and approvals motivates permittees to seek other alternatives, or, incents them to directly pay beneficiaries for immediate access to the land. Approximately 20% of the allotment tracts are absentee-owned; 70% used for subsistence purposes primarily on a seasonal basis. Only between 2-10% of the tracts have leases or permits.		
Alaska Region BIA Agencies, Contracted Service Provider offices	Process	Remote locations cause large transit times and costs, making timely and effective planning, permitting, inspections and management extremely difficult. These elapsed times and costs exceed those considered “normal” in the lower-48 states, by a multiple to an order of magnitude. Key variables affecting this are remote locations, seasonal access, methods of transport to gain access, and weather.	Land Characteristics	Significantly increased cost and time to accomplish similar activities, resulting in reduced service levels, and reduced levels of permitting.	High	Major
Alaska Region BIA Agencies, Contracted	Organization Roles	Remote, scattered tracts with limited access allow limited	Land Characteristics	Most often permits are negotiated and issued	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Service Provider offices	Process	options to obtain appraisals for use in negotiating permit value: Generalized estimate by land operations or realty staff, based upon value of similar type of land use within the region. Specific site-inspection appraisal by a qualified appraiser. "Reasonable-man-estimation" by land operations or realty staff, based upon the unique traits of the property in question.		without formal appraisal. Local land program or realty staff make estimates, due to the backlog, timing constraints and difficulties of scheduling a certified appraiser to perform site-visits.		
Alaska Region BIA Agencies, Contracted Service Provider offices	Process	Most BIA Agencies and CSPs do not implement consistent compliance monitoring. When performed, it is extremely costly both in money, elapsed time, and time required of the resource performing the monitoring.	Land Characteristics	There is limited stewardship, monitoring, and reporting of land use. Enforcement mechanisms are difficult to apply in meaningful fashion. There is limited visibility to permittee fulfillment of operational responsibilities.	Medium	Major
Alaska Region BIA Agencies, Contracted Service Provider offices	Organization Roles	Contracted Service Providers (CSPs) are independent alliances or consortiums providing contracted land management services for Trust lands.	Obligation	The addition of an independent 3 rd party provider, between the BIA and the beneficiaries assists in substantially reducing some of the BIA workload in performing realty services, and often provides them with an office of	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				contact in closer proximity. At the same time, it increases difficulties in coordinating information and consistency for all leasing/permitting processes.		
Alaska Region BIA Agencies, Contracted Service Provider offices	Inputs	A Certificate of Native Allotment is required to perfect Title, and is a regulatory and legal requisite to make the allotted landowner party to a lease or permit. There is a large backlog, and long elapsed time (months or years), to receive these certificates, estimated by session attendees in the thousands.	Obligation	Permit applicants sometimes do not wait for this process, and withdraw, resulting in allotted landowners missing revenue from their property. As a result, BIA or CSP staff may issue permits or leases without the certificate, in potential conflict with requirements. Kotzebue office alone has approximately 30 lease or permit applications in queue waiting for certificates.	High	Major
Alaska Region BIA Agencies, Contracted Service Provider offices	Outputs Process	Report of Investigation - Alaska region requires all property activity history from the allotment title grant to current date, along with a recommendation for land use.	Procedural	Substantial additional effort and time is required to perform this research and assessment. Sometimes this results in negotiation difficulties, while providing more due diligence and	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				having more information to make better land management choices.		
BIA Fairbanks, Anchorage Agencies and Juneau Regional office, and CSP offices	Process	Most collection is performed by CSPs, with some performed by BIA Agencies (Fairbanks, Anchorage, and Juneau). The Provider or Agency records the receipt in a file or local computer database. A copy of the receipt is provided to the permittee, and the check (if not direct pay) and record of receipt is forwarded to the OST/OTFM Accountant in Juneau. Where the Provider supports realty processes but not collection, remittances are direct to the BIA Agency, and a copy of the receipt is then also forwarded to the Provider.	Procedural	Longer elapsed times are required to process the receipt and physically forward it to the BIA Regional office, resulting in longer times to ultimate distribution back to the beneficiary. This also results in an incentive for beneficiaries to negotiate direct payment from the permittee and bypass BIA / CSP processes.	High	Major
Alaska Region BIA Agencies, Contracted Service Provider offices	Process Inputs Outputs	Most BIA Agencies and CSPs do not prepare annual invoices for billing operational payments, but rely on the payment terms included in the contract. The process begins with BIA Agency / CSP receipt of a certified check, or, a direct payment receipt from the lessee/permittee. Process ends with fulfillment of contract	Procedural	Significantly increased cost and time to obtain a signed and approved lease. Applicant permittees and individual beneficiaries may attempt to circumvent BIA or CSP participation in the process, and direct "cash for use" transactions between parties is not	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		pre-lease-checklist and any pre-lease terms.		uncommon.		
Alaska Region BIA Agencies, Contracted Service Provider offices	Mechanisms	Access to and training on regional or national systems is not available to most local offices. Manual files and local spreadsheets/databases are the only systems support leasing and permitting.	System Constraints	Compiling data for permitting is very time-intensive. Frequently the source, method, or timing of how it is obtained, impacts the timeliness and efficacy of achieving a perfected contract, and also increases inconsistencies when recorded and reconciled with regional office or OST/OTFM data.	High	Major

Table 4.3.5.4- 5 Northwest Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region BIA Agencies and Tribal offices	Organization Roles Process	Approximately 65% of the land use programs, especially agricultural leasing, are contracted or compacted. Notable examples of Tribes who have served as leadership models include Salish-Kootenai and Nez Perce. The Colville, Yakama, and Warm Springs Tribes have	Federal Statute Tribal Code Tribal policy	Some of the Tribes, particularly those who have compacts, manage allotted lands (e.g. Salish-Kootenai). This has a substantial workload reduction for the local BIA Agency, but also presents significant issues.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		co-op self-determination agreements with the BIA.		Specifically, tracking the correct ownership-interest information, resolving conflicts of interest between Tribal and individual beneficiaries, and oversight of the fulfillment of fiduciary duties to the individual beneficiaries.		
Northwest Region BIA Agencies and Tribal offices	Process	Some of the agricultural leases run for substantially longer periods of time than most other regions. This is due to the geography, climate, and types of use of the land. Specific examples are orchards and vineyards on the Yakama reservation. These are frequently 25 years in duration, in order to match the expected life of the lease improvements (e.g. land contouring, irrigation, heating systems, tree and vine planting). Most other regions commonly have five year leases, with the range of durations from 2 to 10 years.	Land Characteristics	Where applicable, given this unique type of land use, the longer tenure leases provide a more stable operator base, and increase the motivation for better operator stewardship.	Medium	Medium
Northwest Region BIA Agencies and Tribal offices	Process	There are wide variations in procedural implementation	OST/OTFM Policy	OST/OTFM policies and procedures have changed	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		between BIA Agencies (and also Tribal offices where Tribes process allotment-interest collection and distribution for the collection, holding, depositing, and submission of distribution advice for individual beneficiaries. Some locations segregate duties. Others have a single person perform billing, collection and distribution advice. Some locations forward any receipt to suspense accounts and a distribution advice to OST/OTFM within 24 hours of receipt. Others may hold checks for weeks or months, and may take months to reconcile distribution advices with OST/OTFM.		frequently. Local resources performing the collection and preparation of distribution advices do not receive documentation, training, access to information, and tool support to adequately implement them. Some of the policies may be in conflict with procedural guidance or good business practices required in performing land use management and agricultural leasing. Results are large amounts of funds in suspense, reconciliation workloads, and limited ability to ensure that the correct individual beneficiaries are receiving the right amounts of revenue distributions from these related leases.		
Northwest Region BIA Agencies and Tribal offices	Inputs	The Title plant is generally considered to be out of date (backlogged) with current, accurate ownership information. TSR (Title Status Report)	Procedural	IRMS or local manual files are used for all lease and ownership information. Data inconsistencies exist between agency / Tribal	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		requests frequently take two to three years.		information, Title Plant information, and OST/OTFM information, resulting in errors and reconciliation workloads. As a result, the correct beneficiaries may not be involved in consenting to leases, and may not receive the correct distribution of agricultural lease revenues. Error rates from inconsistencies are estimated to be 5-10%, resulting in approximately 90,000 errors / year.		
Northwest Region BIA Agencies and Tribal offices	Process	Irrigation O&M (operation and maintenance) billing is performed for governmental-supported water projects. A substantial number of allotment landowners use their property without lease, or have let the land go idle, are billed for the O&M (since there is no lessee to be billed), and do not pay the fees.	Procedural	There are approximately 500 appeal court cases in the region for individual beneficiary owner-use or idle tracts. The conflict results in a standoff with substantially negative impacts for all parties involved. When a lessee is not paying the O&M fees, the water project does not receive fees, and typically reduces water flow and maintenance on the project.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				If the land is idle, absentee owners object to paying for a governmental project in which they usually had no original participation. If the land is at some point used by owner(s), the related water delivery has often fallen in to disrepair or does not provide adequate flow, so that owners object to paying O&M for a project where they are receiving inadequate benefit.		
Northwest Region BIA Agencies and Tribal offices	Process Inputs Outputs	Leases negotiated for direct pay between lessee and owners bypass BIA or Tribal billing, collection, deposit, and distribution activities. This accounts for approximately 15-20% of all agricultural leases in the region.	Procedural	BIA Agency and Tribal workloads are significantly reduced, and individual beneficiaries generally receive payments in a much more timely manner. While certain benefits accrue, processes and information do not provide lessees with certified ownership interests, update lessees with ownership changes, or consistently ensure that the correct individual beneficiaries are	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				actually getting paid the correct amounts, per the lease terms.		
Yakama BIA Agency, Tribal office	Inputs	Appraisals are received in very short turnaround, and incorporated with BIA Agency agricultural lease information and Tribal GIS systems. Appraisals are considered good for five years. This matches most farm/pasture leases, and serves to update rental rates every five years on longer-term leases.	Procedural System Capability	Reduces cycle times for negotiation and approval of leases, and is a leading example of integration of procedures with GIS / GCDB systems, to provide better quality information in planning and monitoring land use.	Medium	Medium
Yakama BIA Agency, Tribal office	Process	The BIA Agency sends out repetitive mailings to obtain ownership consent to agricultural leases, and always attempts to obtain positive confirmation of majority consent from allotment-landowner-interests. Notices to owners include the specific lessee applicant and negotiated terms. The Agency Superintendent is reluctant to exercise authority to grant, especially if bid or negotiation activities have yielded less than the appraised value. Authority is used approximately 10% of the time.	Procedural	Rework (repetitive mailing) is performed approximately 70% of the time, due to relatively low response rates from allotment-owner-interests. Due to the cycle time to obtain consent, approximately 70% of the leases are in queue for approval. At the same time, this increases ownership communication and awareness of land use and management, decreasing questions and complaints during lease operation.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region BIA Agencies and Tribal offices	Mechanism	About half of the Northwest BIA Agencies and Tribes use IRMS to track ownership interests and support agricultural leasing. The remainder use manual files, and local spreadsheets or databases. Significant limitations exist in obtaining access and security clearance to the proper DOI systems. Approximately half of the Tribes who contract or compact realty processes do not have access to IRMS and are forced to utilize manual files or develop their own stand-alone spreadsheets or databases of information.	System Constraints	Access to IRMS significantly improves the ability to track, report and manage agricultural leasing activities. Substantial data inconsistencies exist between local Agency or Tribal office information, the data available from IRMS, and the data utilized by OST/OTFM from other systems; e.g., TFAS. This results in a relatively large workload of reconciliation activities. Substantial difficulties exist to ensure the correct individual beneficiaries are receiving the right amounts of revenue distributions from these related leases.	High	Major
Yakama BIA Agency and Tribal office	Obligation Control	For Tribal land farm/pasture use, the Tribe either operates the land itself or issues leases directly to operators, as with most other Tribes. However, the Tribe stipulates special land use restrictions both on Tribal land and allotments to accommodate	Tribal Ordinance Tribal Resolution Tribal Policy	Tribal stipulations help achieve NEPA regulatory compliance with lease applications. The Tribe addresses integration and limitations of the lease terms with any NEPA requirements, Tribal social	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		wildlife, wetland, and other cultural and environmental key habitat areas. Leases impacted by these stipulations are usually negotiated by the Tribe, which then may request the BIA to perform line official approval, collection and disbursement processes.		and cultural considerations, and other Tribal land use programs; e.g., Fisheries. This substantially reduces the workload burden on the BIA Agency during planning and suitability processes, which normally have large environmental consideration requirements.		
BIA Colville and Warm Springs Agencies, and related Tribal offices	Controls Inputs	IRMPs are in place to guide land use planning, contracts, and utilization monitoring.	Tribal Policy	IRMPs substantially improve communication and expectations between BIA Agencies and Tribal governments and land operators.	Medium	Medium
Yakama BIA Agency and Tribal office	Control	Yakama BIA Agency and Tribe require a new majority-of-ownership consent for any lease modification, including five-year rental-rate adjustments on longer term leases.	Tribal Policy	A substantial workload increase in issuing consent letters and compiling consent report results, primarily for the BIA Agency.	Medium	Minor



Table 4.3.5.4- 6 Eastern Oklahoma Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Process	Positive consent signatures from a majority of ownership-interests are required for any lease modifications.	BIA Agency & Field Office Policy	This requires substantial repetitive mailings and follow-up to obtain a sufficient response rate, delaying the approval of the lease.	High	Minor
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Obligation Process	In cases of non-compliance due to livestock trespass, the BIA Agencies and Field Office personnel use the 25 CFR 166 regulations to determine and apply enforcement actions and damage assessments, even though the leases are contracted through 25 CFR 162.	BIA Agency & Field Office Policy	Minimal	Low	Minor
Chicasaw BIA Agency	Process Outputs	The Agency realty specialists prepare bill for all pre-lease payments. Separate invoices are generated for bonds, first year lease payment, and administrative fee. Chicasaw does not collect the 1 st year rental in advance. Their lease terms collect a cash bond in advance. The administrative fee is sent to Denver for deposit in FFS, cash bonds are sent to Reston, VA for deposit in FFS as non-Trust funds, the lease is then approved	BIA Agency & Field Office Policy	Extra workload is required to generate the additional invoices, and send copies of the lease to all ownership-interests.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		by a BIA Line Official (Superintendent), and the original lease copy is sent to Title Plant for recordation as an encumbrance. Copies are sent to all ownership-interests.				
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Control Process	Approximately 75% of the Agencies and Field Offices interpret the regulations to require a positive consent from a majority of ownership-interests, once the terms and lessee selection are finalized.	BIA Agency and Field Office Policy	This requires substantial repetitive mailings and follow-up to obtain a sufficient response rate, delaying the approval of the lease.	High	Minor
Eastern Oklahoma BIA Agencies, Field Offices.	Process	About half of the agricultural leases are negotiated and half are advertised for bid process, which differs from most regions where the distinct majority are negotiated. 90% of FMV is used as the acceptance criteria for the 1 st bid. If not met, a 2 nd (repeat) bid process is required, with preparation of an Abstract documenting the lessee selection process and justifying the specific lessee, terms, and recommendation.	BIA Agency and Field Office Policy Procedural	Bid process usually takes a longer elapsed time and substantially more work than merely negotiating with a single or few known operators. It also reduces the percentage of repeat leases with the same operator, reducing the continuity of stewardship. Approximately 30% of the tracts put up for bid require rework through a 2 nd bid process. This requires an additional 60-90 days.	Medium	Medium
BIA Chicasaw Agency	Process	All tracts for lease are advertised and put through a bid process.	BIA Agency Policy	Bid process usually takes a longer elapsed time and	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				more work than merely negotiating with a single or few known operators. It also reduces the percentage of repeat leases with the same operator, reducing the continuity of stewardship.		
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Obligation	The Five Civilized Tribes of Oklahoma Act of 1908 provide restrictions on land allotments granted from 1899–1907. This permits leasing of Indian lands in district court instead of through the BIA.	Federal Law	Limits BIA visibility to land status, and ability to track or assist in planning and managing land use. The BIA is frequently unaware and cannot identify all Trust lands.	High	Major
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Obligation Organization Process Role Location	The Five Civilized Tribes of Oklahoma Land Act of 1947 permits the Tribes to lease without BIA involvement or approval. Individual beneficiaries can contract their own land, and record necessary information through state, county, or district courts. (Tribes are Cherokee, Choctaw, Seminole, Creek, and Chickasaw).	Federal Law	Precludes BIA visibility to land status, and ability to track or assist in planning and managing land use. The BIA is frequently unaware and cannot identify all Trust lands. To obtain any information of land status, ownership, and other critical Trust status information, an inordinate amount of effort is required to manually search the county, district, and state court files for relevant transactions.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				Much of the land remains idle, as there is no focal single point of management. Where fractionated interests exist, the owners themselves need to work together to jointly lease the land. As a result, approximately 55,000 acres of a total of 77,000 acres is inactive and goes unleased.		
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Obligation Process	Tract sizes are relatively small, normally between 40–160 acres, and are leased under short-term agricultural leasing, even though the intended use for many is grazing. No attempts are made to aggregate these tracts into larger range units under a unitized lease. Grazing is managed under the regulations provided by farm/pasture leasing through 25 CFR 162.	Federal Law Federal Regulation Land Characteristics	Due to “checkerboarding” of small tracts with heavily fractionated ownership, the 1908 and 1947 Acts, and the consent requirements under 25 CFR 162, many properties go idle. Without leasing, there has been a substantial encroachment of invasive species of flora, and most of the land is now not commercially attractive at FMV rates for agricultural or grazing use.	High	Major
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Process	Very little Tribal land is used for agricultural leasing. Where leases are contracted, there is no BIA involvement. The Tribe performs	Federal Law Procedural	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		all Tribal-land leasing activities.				
Eastern Oklahoma BIA Agencies, Field Offices	Process	Large backlogs and long cycle times exist on appraisal requests and requests for TSRs from Title Plant. TSR turnaround averages about six months or more.	Procedural	Many land operations specialists work overtime to perform informal appraisals themselves, or contract out the appraisal work. Likewise for TSRs, land operations resources develop ownership lists to support consent and distribution advices from whatever manual files they have at their Agency or Field Office (e.g. A&E cards, local lease files, court records). A few have access to IRMS, which is still not consistent with Title Plant records.	High	Major
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Location Process	A majority of land operations and Agricultural Leasing processes are performed at BIA Field Offices, not at Agencies as in most other regions.	Procedural	Minimal. The Field Offices provide a slightly closer proximity to the county courthouses where many of the land records are on file.	Low	Medium
Moscogee (Creek) Nation of Oklahoma	Obligation Role Process	The Tribal Chairman has authority to approve any leases up to three years in duration.	Tribal Law	Minimal.	Low	Major
Cherokee Nation of Oklahoma	Process	Cherokee Nation has contracted the process for agricultural leasing, billing and collection.	Tribal Policy	This requires additional departmental and cross-organizational approvals,	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Before lease approval, Cherokee realty specialists complete the draft lease package, collect bonds, first year rental, and an administrative fee. All collections are forwarded to the Cherokee Credit and Finance department, where administrative fees are directly deposited into general Tribal account. All packages and copy of collections are then forwarded to the BIA Regional Director for approval, and returned to the Cherokee Title Plant for recordation. The remaining collection amounts are logged by Cherokee credit and finance specialists, are deposited to an SDA. A distribution advice is then prepared and forwarded to OST/OTFM for disbursement to individual beneficiaries.		lengthening the lease approval cycle.		
Eastern Oklahoma BIA Agencies, Field Offices, and Tribal Offices	Control	Each agricultural lease requires a Tribal Resolution for approval.	Tribal Policy	This adds extra steps to the approval cycle, and elongates the leasing process.	Medium	Major



Table 4.3.5.4- 7 Southern Plains Region Agricultural Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Plains BIA Agencies, Field Offices	Process	Positive consent signatures from a majority of ownership-interests are required for any lease modifications.	BIA Agency & Field Office Policy	This requires substantial repetitive mailings and follow-up to obtain a sufficient response rate.	Low	Minor
Southern Plains BIA Agencies, Field Offices	Process	About 40% of the tracts in the region go through the bid process.	BIA Agency & Field Office Policy Procedural	Bid process usually takes a longer elapsed time and more work than merely negotiating with a single or few known operators. It also reduces the percentage of repeat leases with the same operator, reducing the continuity of stewardship.	Medium	Medium
BIA Chicasaw Agency	Control Process	The Chicasaw Agency puts all tracts through the bid process, and requires a bid deposit of 10%, and allows all bidders and general public at the bid opening. Chicasaw noted that the Agency Superintendent interpretation of the 25 CFR 162 changes effective in 2001 requires them to advertise all leases for bid before the BIA can initiate any negotiation.	BIA Agency & Field Office Policy Procedural	Bid process usually takes a longer elapsed time and substantially more work than merely negotiating with a single or few known operators. It also reduces the percentage of repeat leases with the same operator, reducing the continuity of stewardship. Approximately 30% of the tracts put up for bid require rework through a 2 nd bid process. This requires an additional 60-90 days.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Anadarko and Concho Agencies	Process	The Agency conducts a 2 nd bid process where the 1 st bid process does not meet criteria (90% of FMV). Negotiation may also proceed while the bidding is being conducted. The 2 nd bid process posts an advertisement for a shortened period of 15 days, whereupon a 2 nd bid opening is conducted. Only sealed bidders are allowed to attend the opening. If multiple bids are selected as meeting acceptability criteria for leasing the tract, the Agency conducts an oral auction at the opening.	BIA Agency & Field Office Policy Procedural	Bid process usually takes a longer elapsed time and substantially more work than merely negotiating with a single or few known operators. It also reduces the percentage of repeat leases with the same operator, reducing the continuity of stewardship. Approximately 30% of the tracts put up for bid require rework through a 2 nd bid process. This requires an additional 45-60 days.	Medium	Medium
BIA Anadarko and Concho Agencies	Process	The Agencies follow unique practices in collecting fees and allowing permittee access to the property. Lease administrative fees are collected up to 12 months in advance, and are deposited to FFS in Reston, VA. If the lease rental is below the appraised FMV, then terms are renegotiated during this period up to the lease date to ensure any non-consenting owners will receive the difference between the FMV and the originally agreed-	BIA Agency & Field Office Policy Procedural	The unique and complex procedures require an additional level of work from agency resources. Conflicts arise from the permission to allow multiple lessees operate on the same tract under separate leases at the same time.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		upon lease payment. Provisions are included to allow operation of grazing up to six months prior to the expiration of the previous lease, supporting multi-use of different operators under different leases at the same time. Rentals for the first year are then collected in the subsequent December or January. Direct payments are made from the lessee to the ownership-interests, and the lessee must submit proof of payment (e.g. cancelled check) to the BIA Agency.				
Southern Plains BIA Agencies, Field Offices	Control Process	Approximately 75% of the Agencies and Field Offices interpret the regulations to require a positive consent from a majority of the ownership-interests, once the terms and lessee selection are finalized.	BIA Agency and Field Office Policy	This requires substantial repetitive mailings and follow-up to obtain a sufficient response rate, potentially delaying the approval of the lease.	High	Minor
Southern Plains BIA Agencies, Field Offices	Outputs Process	Bills of Collection are not prepared for lease payments.	BIA Agency and Field Office Policy	Minimal. Collections are generally managed directly from the terms in the lease. However, without any systematic generation of an invoice, balanced to an amount due, traced to a	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				collection, there is little control or tracking of amounts due (accounts receivable management).		
Southern Plains BIA Agencies, Field Offices	Process	Each lease has a monitoring inspection performed three to four times during its term. This is a substantially higher percentage of tract monitoring than identified at any other region.	BIA Regional Policy	This requires a substantial additional workload on agency and field office resources, but provides significantly better and more timely tracking of land condition and operator stewardship.	Medium	Medium
Southern Plains BIA Agencies, Field Offices, and Tribal Offices	Process Obligation	Tract sizes are relatively small, normally between 40-160 acres, and are leased under short-term agricultural leasing, even though intended use for many is grazing. No attempts are made to aggregate these tracts into larger range units under a unitized lease or permit. Grazing is managed under the regulations provided by farm/pasture leasing under 25 CFR 162. The exception to this is where livestock trespass occurs, and BIA resources document and perform enforcement activities under 25 CFR 166, even though the contracts are perfected through 25 CFR 162 as a lease.	Land Characteristics Federal Regulation	Due to “checkerboarding” of small tracts with heavily fractionated ownership, the condition of the land, tracts which are landlocked and do not have easements for use, and the consent requirements under 25 CFR 162 and 25 USC 2218 (ILCA 2000), most of the property goes idle. Up to 50% of the tracts in the region are not leased. Approximately 1500 tracts comprising 184,000 acres of a total of 453,000 acres is idle (40+%). This results in invasive flora and other	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				effects from lack of use and stewardship, resulting in tracts not commercially leasable.		
Pawnee BIA Agency	Process	Many tracts are less than 10 acres and are heavily checkerboarded or landlocked.	Land Characteristics	The lack of size and accessibility to these tracts make them extremely difficult to market and lease, resulting in a very high percentage of idle land.	High	Major
Wichita, Caddo, and Delaware Tribes	Process	The Wichita, Caddo, and Delaware Tribes have jointly held land interests whereby they all share a division of interest in the same geographic tract of land.	Land Characteristics Ownership Characteristics	The sharing of multiple Tribe ownership-interests in the same land makes leasing a problematic venture. It is difficult to get a majority of ownership within one Tribe to agree for planning or contracting on a tract, let alone across Tribes. The net result is a high percentage of idle land, and reduced income to beneficiaries, both Tribal and individual.	High	Major
Kiowa, Commanche, and Apache Tribes	Process	The Kiowa, Commanche, and Apache Tribes have jointly held land interests. The Kiowa, Comanche and Apache Tribes have a chartered land use		Minimal	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		committee appointed by the three Tribal governments who are authorized to grant leases on behalf of the three Tribes. There is no requirement to obtain majority consent from the Tribal members of each Tribe.				
Southern Plains BIA Agencies, Field Offices, and Tribal Offices	Process	Large backlogs and long cycle times exist on appraisal requests and requests for TSRs from Title Plant. TSR turnaround averages about 6 months or more.	Procedural	Many leasing specialists work overtime to perform informal appraisals, or contract out the appraisal work. Likewise for TSRs, land operations resources develop ownership lists to support consent and distribution advices from whatever manual files they have at their agency or field office (e.g. A&E cards, local lease files). A few have access to IRMS, which is not consistent with Title Plant records and OST/OTFM information.	High	Major
Concho BIA Agency	Process Mechanism	The Agency performs the consent process on all leases before approving. Approximately 76,000 ownership-interests exist on approximately 600 leases. Average number of consent	Procedural	This represents a large workload to send out the letters and compile results. It takes approximately one to two weeks to generate and send out the consent	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		letters per year runs about 16-20,000. Only A&E cards, manual lease files, and a PC-based stand-alone system are available to support this effort.		letters, but approximately four months to complete the compilation process before the lease can be approved, elongating cycle time for the lease process and motivating applicants to look elsewhere (e.g. for other privately-owned fee property).		
Southern Plains BIA Agencies, Field Offices, and Tribal Offices	Location Process	A majority of land operations and Agricultural Leasing processes are performed at BIA Field Offices, not at agencies as in most other regions.	Procedural	Minimal.	Low	Medium
Southern Plains BIA Agencies, Field Offices	Mechanisms Inputs Outputs	The region BIA offices use an Idle Lands Report generated by the RES system (Real Estate System). The RES module is a dBASE program that assists in the tracking of leases, ownership interests, and associated land schedules. Some Tribes and BIA Agencies in Great Plains and Western regions (e.g. Salt River Tribe) also use this system to support Leasing activities.	System Capabilities	This is a significant aid in monitoring land utilization and planning land use. Ownership, realty records and management reporting are integrated. The largest negative impact is the lack of integration with Title Plant and OST/OTFM systems, resulting in data inconsistencies requiring substantial reconciliation efforts.	High	Medium
Ponca Tribe	Mechanism	The Ponca Tribe uses A&E cards to manage all leasing, ownership,	System Constraint	Leasing activities become more labor intensive to	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		and distribution of revenues. They lack access to governmental (e.g. IRMS) systems, do not request TSRs due to the large backlog at Title Plant, and rely exclusively on A&E cards.		compile information from manual files. Data inconsistencies and error rates occur more frequently, and some errors go undiscovered, for example, using an incorrect ownership list to send consent letters to individual landowner-interests.		
Kiowa Tribe	Process	The Kiowa Tribe does all its own leasing activities, and does not involve the BIA, even for approval/signature.	Tribal Policy	Eliminates workload for the local BIA resources, but limits visibility to Trust land utilization, and whether individual beneficiaries are receiving proper distribution payments.	High	Major
Southern Plains BIA Agencies, Field Offices, and Tribal Offices	Control Role Process	Most Tribes in the region require a separate Tribal Resolution for each lease before approval. Noted exceptions are the Kiowa, Commanche and Apache Tribes and the Wichita, Caddo and Delaware Tribes served by the Anadarko Agency.	Tribal Policy	This adds approval step(s) to the leasing process, elongates cycle time for approval, and motivates applicants to look for other property alternatives as first choice before attempting to lease Trust lands.	High	Major
Southern Plains BIA Agencies, Field Offices, and Tribal Offices	Process	Very little Tribal land is used for agricultural leasing. Where leases are contracted, there is no BIA	Tribal Policy Procedural	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		involvement. The Tribe performs all Tribal-land leasing activities.				

Table 4.3.5.4- 8 Rocky Mountain Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region BIA Regional, Agency and Field Offices	Process	The bid process is not publicly advertised like other regions, and notice is provided via a mailing list. After sealed bids are submitted, an auction is conducted for all tracts available through that Agency (or Field Office), which is open to all qualified bidders. The Blackfeet Agency limits its initial bid auction to Tribal members. For remaining unleased tracts (about 10-15%), a second auction is held open to the entire public. This bid process takes about six months cycle time.	BIA Agency & Field Office Policy	Minimal	Low	Minor
Rocky Mountain Region BIA Regional, Agency and Field Offices	Process	Most offices hold the lessees responsible to obtain consent and signature from the ownership-interests.	BIA Agency & Field Office Policy	Results in a substantial reduction of effort by BIA staff, but does not provide the same level of "independent solicitation	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				and verification” of consent.		
Fort Peck Agency	Process	SDA balance reports are sent to the Agency every week for reconciliation.	BIA Agency Policy	Frequent reconciliations reduce the buildup of large suspense balances of funds received by the BIA.	High	Minor
BIA Fort Peck Agency	Process	A \$5 fee is charged all owners, candidate lessees and other interested parties who wish to be on the mailing list for agricultural leasing notifications.	BIA Agency Policy	Additional funds are collected to offset the significant mailing costs of the bid and consent processes.	Medium	Minor
Rocky Mountain Region BIA Regional, Agency and Field Offices	Process Outputs	Leases are required for owner use on any fractionated land. Some owner use still exists without BIA knowledge, and hence without a lease.	BIA Regional Policy	Where owner notification or complaints have made the BIA office aware of owner use, a lease is requested with proper consent obtained from co-ownership-interests. Such leases generally reduce conflicts between co-owners, since explicit consent is obtained and terms are negotiated. This creates a nominal amount of extra work for the local BIA office. Where no such leases exist (owner use without notification), there typically are greater workloads due to trespass,	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				complaints, and improper use of the property.		
Rocky Mountain Region BIA Regional, Agency and Field Offices	Mechanisms Outputs	The regional policy is to keep a separate set of manual files (lessee cards) to track performance history of each lessee, separate from tract files.	BIA Regional Policy	Such performance tracking aids program resources in doing a better job of selecting lessees in the future, as well as negotiating specific stipulations and terms where known operator problems have occurred in the past.	High	Minor
Rocky Mountain BIA Regional, Agency and Field Offices	Process	If Direct Pay has been agreed to for billing and collection terms, the BIA requires the lessee to submit proof of payment. A Direct Pay listing is prepared and monitored periodically. Direct Pay may be suspended and reverted back to BIA collection in cases of a decedent owner.	BIA Regional Policy	Direct Pay is tracked and managed more effectively.	Medium	Minor
BIA Crow and Wind River Agencies	Role	The collection process does not segregate duties, primarily due to staffing constraints. At Crow, a budget analyst prepares bills, collects, and prepares distribution advices. At Wind River, the Superintendent usually performs these activities.	Budget	Minimal	Low	Minor
Rocky Mountain Region	Process	Written observations have proven	Case Law	This places an enormous	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Regional, Agency and Field Offices	Outputs	inadequate to support compliance monitoring efforts resulting in non-compliance enforcement actions. Regional policy has been changed to require either two independent observers witnessing the same written observation, or photographic evidence, in order to escalate a monitoring report to an enforcement action.		burden on resources to provide this level of evidentiary support. Frequently, the result is a reduced level of monitoring, or, limited pursuit of enforcement authority and action when non-compliance is encountered.		
Crow Tribal Office, BIA Crow Agency	Obligations Process	The Act of June 4, 1920 as codified in 25 CFR 162.500 classifies Crow Tribal members as competent to lease without BIA involvement. Landowners perform tract use planning and negotiate their own leases. Agency activities are limited to collecting fees (on leases which are not direct pay), and performing compliance inspections. Typically, although lease terms are usually five years, the leases are cancelled every year and new leases signed with the same operator/lessee. This applies to approximately 2500 leases on 1500 tracts.	Federal Law	Visibility of leases is limited to Tribal and BIA offices, making overall land use planning and monitoring problematic. Tribal members also typically negotiate leases for less value than leases processed through the BIA, which are compared to a FMV appraisal.	Medium	Major
Rocky Boys Tribal and BIA Field Office	Obligation Process	Rocky Boys land is 100% Tribally owned and managed by	Federal Law	The Tribe performs all land use planning and	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the Tribe under compact. There are 226 land assignments to individuals.		agricultural leasing activities as agreed to in the Compact. This substantially empowers the self-determination of the Tribe in the use of its land, reduces the workload on the local BIA resources.		
Rocky Mountain Region BIA Regional, Agency and Field Offices	Process Inputs	Large backlogs and long cycle times exist on appraisal requests and requests for TSRs from Title Plant. TSR turnaround averages about 6 months or more.	Procedural	Many leasing specialists work overtime to perform informal appraisals, or merely apply the regional minimum rental rate established by the OST regional appraiser. Likewise for TSRs, land operations resources develop ownership lists to support consent and distribution advices from whatever manual files they have at their Agency or Field Office (e.g. IRMS, A&E cards, local lease files).	High	Medium
BIA Wind River Agency	Process Inputs	Land operations resources use a leasing calendar as a tool to assist scheduling and managing events relevant to leasing and land management. Activities such as	Procedural	Assists resources to perform required leasing activities on a timely basis.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		notices, consent, tillage dates, and stipulation monitoring, are scheduled on the calendar, since leases do not come up for expiration in a common five year block.				
Rocky Mountain Region BIA Regional, Agency and Field Offices	Mechanisms	Agricultural leasing program and realty resources all use TAAMS and IRMS for ownership, realty and lease information. Exceptions are Blackfeet, Crow, and Fort Peck Agencies, which use their own local databases.	Procedural	The systems are of significant benefit in assisting agriculture and realty resources in performing and tracking their Leasing activities. Information inconsistencies result from replicated data between systems, between organizations, and between locations and regions. This causes errors and reconciliations in processing distribution advice for individual beneficiaries.	Medium	Medium
BIA Fort Peck Agency	Process	Ownership and distribution advice errors are encountered due to the ownership interests of enrolled members of other Tribes, especially those who are Canadian citizens and enrolled in Canadian Tribes.	System Constraints	Systems between nations (Canada / U.S.), regions, and organizations have data inconsistencies and these must be resolved to accurately record distribution information to the rightful ownership-	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				interests. Substantial effort is required by Agency resources to research the blood quantum, marital relationships with impact to ownership, enrollment, citizenship, and other information necessary to reconcile and correct these errors.		
Rocky Mountain Region BIA Regional, Agency and Field Offices	Mechanisms Role Process Inputs	<p>The regional policy is to utilize the TFAS system to prepare distribution advices, and, the OST/OTFM accounting clerk must sign off on all distribution advices before submission to OST/OTFM in Albuquerque and transfer of funds.</p> <p>TAAMS, IRMS and local file information for ownership has a material amount of data inconsistencies with the TFAS system used by OST/OTFM to perform the individual beneficiary distributions. This policy is meant to manually identify and resolve such discrepancies before processing the distribution advice.</p>	System Constraints	Where the budget, staff, and time allow, adherence to this policy significantly reduces errors and future timing and reconciliation issues. Elapsed time to complete the distribution to beneficiaries is accelerated. Where resources do not permit this process, errors and rejections occur, requiring a substantial amount of reconciliation effort.	Medium	Minor
Blackfeet Tribe and BIA	Process	All land planning and suitability	Tribal Policy	Significantly reduces time	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Agency		assessments for agricultural leasing receive Categorical Exclusions from NEPA compliance, and the Tribe hires private appraisers to develop their own FMV to support negotiations.		and workload to assess land and approve leases.		
BIA Fort Belknap and Blackfeet Agencies	Outputs Process	An additional Tribal “right to do business” or “execution” fee is billed and collected by the BIA and forwarded to the Tribe. Blackfeet has a Memorandum of Understanding (MOU) with the Agency to collect this fee to help reimburse the Tribe for employees hired to perform leasing activities.	Tribal Policy	Minimal	Low	Minor

Table 4.3.5.4- 9 Navajo Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Eastern Navajo Agency	Process	Rental rates for agriculture leases and permits are adjusted every one to two years for current market conditions. Specific tracts are usually not appraised separately, and blanket	BIA Agency Policy	Allotment owner-interests occasionally complain of underpayment.	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		percentage increases or decreases are applied.				
BIA Eastern Navajo Agency	Process	The lease or permit applicant is responsible for obtaining documented consent from the fractionated ownership-interests. The BIA provides the applicant with a list of the owners, addresses, census numbers, but does not supply the percentage of ownership-interest held by each owner.	BIA Agency Policy	This motivates the applicant to contact and seek consent from the entire ownership base, instead of “cherry-picking” the minimal number of owner-interests to obtain a majority).	Medium	Minor
Navajo Region BIA Agency and Tribal District Land Board Offices	Organization Roles	Agricultural leases, permits, and other land actions require reviews –Tribal Land Board/Farm Board, then the BIA Agency Natural Resource Manager, then the BIA Regional Natural Resource Specialist, then the Tribal Council. A Tribal Resolution is required for each lease or permit.	BIA Regional Policy Tribal Policy	The additional reviews are time-consuming and significantly delay any land actions.	High	Major
Navajo Region BIA Agencies and Regional Office	Role Process Location	There are no Superintendents at Agencies.	BIA Regional Policy	All lease and permit approvals are forwarded to the BIA Regional Natural Resources Specialist for approval and signature. This significantly elongates the approval cycle. Agency staff feels a lack of empowerment for decisions	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				and responsibility.		
BIA Eastern Navajo Agency, Tribal District Land Board Offices	Process Outputs	Farm/pasture leases (about 80) are documented in land districts 16, 19, and 20. Allotment owner use is prevalent within most of the Eastern Navajo area. Significant portions of the land are not fenced and remain as “open range”. Enrolled member owner-interests may fence off tracts in which they have an interest, or operate an area of “customary or established use”. The Agency encourages the land user to sign a lease or permit to better delineate rights, establish boundaries with other adjacent land users, but there is no formal policy or process to enforce recordation.	Cultural	Much of the land is not actively managed and monitored.	High	Medium
Navajo Region BIA Agency and Tribal District Land Board Offices	Process	There are few Tribally negotiated leases. The majority of agricultural contracts are land use permits (over 5,000) for Navajo Tribal land. Unlike other regions where the land is managed by the Agency and/or Tribe by proactively seeking lessees, Navajo Nation land use is documented only when enrolled	Cultural	Much of the land is not actively managed and monitored. No revenue is generated from land use.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		members request recordation of a customary use area. Most of these requests are for small agricultural plots, or gardens.				
Navajo Region BIA Agency and Tribal District Land Board Offices	Organization Process	The Tribe maintains the responsibility for enforcement. Although the BIA retains authority to cancel permits, any enforcement actions are recommended and approved by the Tribal District Land Board or Grazing Committee.	Cultural	Agency requests and recommendations for enforcement sometimes go unmet. As a result, most Agency resources no longer request enforcement actions or request cancellations. The land condition suffers from non-compliant operation.	High	Major
Navajo Region BIA Agency and Tribal District Land Board Offices	Process	Inspections for compliance monitoring are rare (less than .5% of land use permits are inspected), and performed exclusively on irrigated tracts. Dry lands are generally left unmonitored.	Cultural	Much of the land is not actively managed and monitored.	High	Medium
BIA Eastern Navajo Agency	Process Inputs	Direct payments from lessees / permittees to owner-interests without notifying the BIA creates substantial difficulties in reconciling payments. Particularly problematic are where some interests are direct pay and others are to be collected by the BIA, but the BIA is unaware of which payment terms	Cultural	Difficulties exist in reconciling collections, and sometimes it is not possible to ensure accurate collections and distributions to individual beneficiaries.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		each interest has.				
BIA Shiprock Agency	Process	Most permittees do not live on the property, and are “weekend farmers”. Other Navajo Agencies agreed that similar problems exist on their tracts, but were unable to quantify or identify the relative materiality of the problems.	Cultural	Lack of persistent presence on the tracts by the operators leads to inadequate time, labor and effective land practices. Approximately 70% of the permitted tracts have land degradation to non-sustainable-use status.	High	Major
Navajo Region BIA Agency and Tribal District Land Board Offices	Process Outputs	There is no documentation for inactive lands.	Cultural	Minimal	Low	Minor
Navajo Region BIA Agency and Tribal District Land Board Offices	Outputs Process	Approximately 30% of the Navajo tracts leased or permitted have a conservation plan of operations. The rest of the tracts are in conflict with regulations and BIAM guidelines, which require plans. Where plans are drafted, Tribal District Farm Boards or Land Boards review and approve each plan.	Culture	Much of the land is not actively managed and monitored. Lack of documented land planning and conservation management practices reduces leverage on operators to change unsatisfactory practices. The land condition suffers from non-compliant operation.	High	Major
Navajo Region BIA Agency and Tribal District Land Board Offices	Process	25 CFR 167 allows permits to be renewed. Most permits are of short duration, between 12 months and 3 years, and are automatically renewed in	Federal Regulation Cultural	Many permit terms and land conditions are not actively reviewed or monitored. Land planning and conservation	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		perpetuity. Renewal rates run around 98%, with the balance where the permittee requests non-renewal, or, on irrigated land, where the permittee never brought the tract to production status.		management practices are of limited use, since there is little leverage on operators to change non-compliant practices.		
Navajo Region BIA Agency and Tribal District Land Board Offices	Process	Permits may be bought and sold, and are probated upon death. The names on the permit are changed to the heirship.	Federal Regulation Tribal Law Tribal Policy	There are often complications involving the permits in probate. Resolving heirship disputes, fractionation of the permit, and then approving the modifications to the permit can be a lengthy process. There are many permits in estate status for years, allowing lands to fall into idle status. Conflicts within the family relations also deter potential heirs from initiating probate actions.	High	Major
Navajo Region BIA Agency and Tribal District Land Board Offices	Controls Process	There is no billing or collection for enrolled member use of Tribal land. Frequently, this is also true on fractionated land in Eastern Navajo. Collection of funds may occur where co-owners have requested compensation on	Tribal Policy	Undetermined	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Eastern Navajo farm/pasture tracts, or, miscellaneous permits to non-members on the rest of Navajo (e.g. telecommunications tower permits, revocable use permits for filming movies, food vending).				

Table 4.3.5.4- 10 Southwest Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Ute BIA Agency and Tribal Office	Process Outputs	The Agency performs collections for allotted lands. Checks and a distribution advice are prepared and sent directly to OST/OTFM in Albuquerque. If ownership is not very fractionated, checks are made out at the Agency and held there for local ownership-interests to pick-up.	BIA Agency Policy	Sole owners or small fractionation ownership-interests receive their payments much more rapidly.	High	Medium
Southern Ute BIA Agency and Tribal Office	Process Outputs	There is no billing. Payment terms are written into the lease, and the following must be collected prior to lease approval: administrative fees, bid deposits, first year O&M costs for irrigation, and first year rental	BIA Agency Policy	Reduction of workload in billing / invoicing. Large up-front fees before approval eliminate borderline operators, minimize collection problems and damage	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		payment, and a bond in the amount equivalent to a year of rental and irrigation O&M costs. Once the lease is in place, the only annual billing is for O&M.		recovery costs.		
Southwest Region BIA Agency and Tribal Offices	Locations Process	With the exception of the Southern Ute Agency, there are no agricultural leases in the region and little miscellaneous permitting.	Land Characteristics	The only regional location with process volume of significance is the Southern Ute Agency.	Low	Major
Southern Ute BIA Agency and Tribal Office	Process Mechanisms Inputs	Realty staff reviews and corrects inconsistencies in distribution advice before submission to OST/OTFM, via manual validations between the local source information, and TFAS.	Procedural	This virtually eliminates any distribution advice errors or rejections by OST/OTFM, and eliminates the need for the Agency to perform any distribution reconciliation. Suspense accounts are cleared quickly and do not build to amounts which need reconciliation.	High	Medium
Southern Ute BIA Agency	Process Outputs	Consent notices are sent prior to lease expirations on allotments, to ensure owners wish the BIA to negotiate a new lease. This is not the standard 90-Day Notice, but a unique form developed by Southern Ute Agency to cover both 90-day notification and consent processes in one activity.	Procedural	Landowners can make more informed consent decisions. Response rates are very high compared to other regions and agencies. The beneficiary involvement is condensed to a single activity (rather than separate 90-Day	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		The form includes an estimated value to be distributed to the IIM account for that specific owner-interest, based on the set value of the lease and ownership share.		Notices, followed by consent letters), reducing workload for the Agency.		
Southern Ute BIA Agency and Tribal Office	Mechanism	The Tribe has its own Land Department Database, and the Agency uses LRIS for leasing records.	System Capability	Minimal	Low	Medium
BIA Southern Ute Agency	Controls	Southern Ute covers approximately 700,000 acres of which 30% is used for agriculture and another 30% for grazing. Agricultural leases are issued on both Tribal and allotted lands. The Tribe has contracted agricultural leasing on Tribal lands, while the BIA Agency retains responsibility for leases on allotted lands. The Tribe has maintained a tradition of “land assignments” to individual Indians, which act similarly to the granting of a life estate. These are Tribal lands controlled by the enrolled member, who may lease the land. The Tribe is responsible for working with the assignee to issue the leases.	Tribal Contract	Process impact is minimal. No organization (Tribe or BIA) has a holistic set of information of land use for the reservation.	Low	Major
Southern Ute BIA Agency	Organization	The Tribe performs all	Tribal	Enforcement duties are split	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
and Tribal Office	Roles	compliance monitoring and enforcement activities for Tribal lands. The BIA still performs compliance and requests enforcement action support from the Tribe on allotted lands.	Contract Procedural	between the BIA and the Tribe. Sometimes there are disputes and lack of clarity as to jurisdiction or responsibilities.		
Southern Ute BIA Agency and Tribal Office	Obligation Process	The Tribe has contracted agricultural leasing within the last year.	Tribal Contract	The Tribal resources face training and computer literacy issues. The Tribe effectively manages land assignments of enrolled members on Tribal land, but the BIA still performs or assists most leasing of allotted lands, and provides assistance as needed.	Medium	Major
Southern Ute BIA Agency and Tribal Office	Process Organization Role Inputs	The Tribe sets a rental rate for an area of tracts. No appraisals are performed.	Tribal Contract Tribal Policy	Negotiations are accelerated since there is either a set rate or set minimum rate. No waiting for an appraisal is necessary. The Tribe has based valuations described as fair and are comparable to similar adjacent private, fee land.	Medium	Minor
Southern Ute BIA Agency and Tribal Office	Obligation	Southern Ute Tribe has developed a Land Code, and an IRMP guiding all land use. Additionally, they compile tract	Tribal Law	Agency agricultural leases generally obtain a CatEx (categorical exclusion) from NEPA compliance	High (positive)	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		compliance reports, and notify the Agency and potentially impacted parties whenever they propose a change in land or land use.		activities. If new lands are acquired for use, or if major ground-altering improvements are planned, then archeological surveys and FONSI clearances are obtained.		
Ute Mountain, Jicarilla, and Mescalero Tribes	Process	These Tribes issue hunting permits for big game, without BIA involvement.	Tribal Policy Land Characteristics	Minimal.	Low	Major

Table 4.3.5.4- 11 Western Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Western Region Agencies, Field Offices	Process	Most Agencies and Field Offices do not issue 90-Day Notices or obtain consent from allotment-owner-interests.	BIA Agency & Field Office Policy	Individual beneficiaries have limited participation in decisions for land use.	Medium	Minor
Western Region BIA Agencies, Field Offices, Tribal Offices	Process	Monitoring, land utilization reporting, compliance and enforcement activities are nominal.	Budget Land Characteristics	Many leases and tracts have non-compliance and poor land-use practices. The land condition suffers from non-compliant operation. There is limited effort to escalate enforcement activity to resolve non-compliance.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Fort Mohave Tribe	Obligation	Tribe has authority to grant leases up to 25 years without BIA approval. A 10% subsidy is provided to Tribal members.	Federal Law	BIA does not participate in agricultural leasing programs, and nominal visibility to land utilization.	Unknown	Major
Western Region BIA Agencies, Field Offices, and Tribal Offices	Process	Most of the region's Tribes have irrigation systems. Land utilization is highly dependent upon the market prices for the specific commodities for which individual tracts have been planned, and the economic comparison to the related costs, including the irrigation. For example, several locations cited problems with cotton prices falling, and a glut in certain nuts (e.g. pistachios) impacting their economics enough to force the tracts to go idle.	Land Characteristics	Lack of market stability and water availability cause land to go idle.	High	Major
BIA Fort Yuma Agency	Process	The Agency performs entire leasing cycles twice each year. Approximately half the leases expire in July, and the other half at the calendar year end, due to rotating crops and certain tracts getting two crops per year. Appraisals are done for each tract before lease expiration, and requests are made to the regional OST appraiser 7-12 months in	Land Characteristics	Total workload does not change significantly, but unlike other regions and agencies, Fort Yuma resources must multi-task to a greater extent, as many processes overlap.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		advance.				
Western Region BIA Agencies and Salt River Indian Community	Inputs Process	Fort Yuma requests are made to Title Plant only for uncertified TSRs, since the backlog for certified TSRs is about 2 years. Pima and Colorado River don't request TSRs any more due to their experience in long turnarounds. Salt River performs its own uncertified TSR in less than a week. Its realty resources compile the TSR from access to IRMS, and Tribal GIS and ownership systems.	Procedural	Ownership information used for consent and distribution advices is uncertified. When turnaround on Title Plant on the uncertified TSR may impact the ability to lease, realty resources at the Agency research locally available ownership records and use that for the lease and future distribution advices on that lease.	High	Medium
Salt River Indian Community	Role Process	The Tribe hires a contractor to secure consent signatures of owners. There are 24,000 acres of allotments with up to 300 owner-interests per allotment. Most allotments are around 10 acres or less.	Procedural	A dedicated resource with sole responsibility for consent increases the response rates and timeliness, hence accelerating the timeframe to complete draft and approval of leases.	High	Minor
BIA Fort Yuma Agency	Process	Has the most active bidding program of all Agencies in the region. Land is high value due to a commercially competitive agricultural base (e.g. almonds, pistachios, fruits, etc.). All bidders and owners are requested	Procedural	Bid process is more effective at maximizing revenue from high-value, irrigated, specialty-crop land, but is significantly more time-consuming and requires additional	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		to attend the bid opening, where a mediated auction is conducted to complete the lessee selection process. The Agency does no billing or collections, as all leases are direct pay.		resources. Direct pays eliminate Agency billing and collection workload, and provide more timely distribution to beneficiaries.		
BIA Western Region Agencies, Field Offices; note Pima example	Process	Standard processes and policies are not defined or applied consistently across the region. The largest difficulties are policies and procedures to process leases where multiple tracts have been aggregated into a single Farm Unit for lease. For example, Pima issues 2 leases to the same operator for the same Farm Unit. Most other Agencies have only a single lease. Sometimes allotment interests are not contacted for authority or consent to lease. Sometimes the Agency takes on the responsibility to reimburse allotment-interests, who do not consent, for the difference between FMV and a lower lease rental rate. In almost all cases, Agency resources are unclear on policy, procedures, and calculation standards for these	Procedural	Distribution advices may be calculated inconsistently and individual beneficiaries receive inconsistent value. This is particularly relevant to small-tract Reservations with highly-fractionated interests, e.g. the Pima Agency, which has 7,800 different landowners with 152,000 tract-owner-interests. A typical agricultural tract has 500 interests, with some having up to 5,000. This significantly increases error rates, and causes large reconciliation workloads. Pima has some suspense accounts unreconciled and undistributed for over 20 years, with current balance of approximately 200 SDA totaling \$5million.	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		unitized agricultural leases.				
BIA Western Region Agencies, Field Offices, Salt River & Gila River Indian Communities, Colorado River and San Carlos Apache Tribes	Process Organization Roles Outputs	Billing for O&M of federally-funded irrigation projects is done by Agencies and Field Offices. Rates are set by the federal registrar, except for the Colorado River and San Carlos Agencies, where the San Carlos Irrigation Project board sets the rates. The fees are billed every six months by the BIA land operations resources. For Tribally-developed irrigation projects, like Salt River and Gila River, the Tribe sets O&M billing rates and does the billing and collection itself.	Procedural	Minimal	Low	Medium
BIA Pima Agency, Gila River Tribe	Role Organization	The Agency retains an external, contracted agent to perform collections for the Tribe.	Procedural	More rapid collection of funds due focused responsibilities. Delinquency rates are lower.	Medium	Minor
Salt River Indian Community	Mechanism	The Tribe has developed a sophisticated GIS system integrated with ownership, land management, leasing, and IRMS systems	System Availability	Land planning and management are based on highly informed decisions. Land utilization is high, complaints are few, errors and data inconsistencies are very low due to the integration of the various	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				systems.		
BIA Salt River Agency	Mechanism	A version of the Anadarko RES system is used to support land ownership and leasing records.	System Availability	Significant improvements in accuracy and timeliness of information compared to previous manual files. Data inconsistencies still exist with OST/OTFM information.	Medium	Medium
Tribes: Salt-River Tohono O'odham White Mountain Apache San Carlos Apache Te-Moak of Western Shoshone (Duck Valley) Chemehuevi Hopi Fort Mojave	Obligation	Tribes have compacts or have contracted leasing and realty programs.	Tribal Compact Tribal Contract	BIA has nominal involvement, and Tribes determine, plan, and contract their own land use.	High	Major
Salt River Indian Community	Process	The Tribe does all its own collections and distributions, with average cycle time of two to five days (receipt to payment in mail).	Tribal Compact Procedural	Individual beneficiaries receive their distributions in a more timely manner.	High	Major
Colorado River Tribe, Salt River Indian Community	Roles Controls	Agricultural leases are reviewed by Tribal General Counsel before approval.	Tribal Policy	Increased processing time for lease approval.	Low	Major
BIA Colorado River Agency	Process Inputs	Bonds are not required for leases to Tribal enrolled members. Approximately 90% of the leases are direct pay. Proof of direct payment is required by the	Tribal Policy	Beneficiaries are paid in a more timely manner.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Agency.				

Table 4.3.5.4- 12 Pacific Region Range Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Central California Agency, BIA Palm Springs Field Office	Process	CCA sends out three separate iterations of mailings seeking consent, in order to obtain adequate response rates (simple majority is deemed adequate). Even with this policy, response rates for CCA average about 20%. Palm Springs attempts to get 100% response rate but settles for rates above 90%.	BIA Agency Policy	Significantly increases Agency workload, but increases individual owner-interest awareness and involvement in decisions regarding their land.	Medium	Minor
BIA Northern California Field Office	Controls Roles	Invoicing and collection are not segregated – the same person performs both.	Budget Procedural	Minimal	Low	Minor
BIA Southern California Agency	Process	The cost of appraisals or surveys is borne by the lessee applicant, as the Agency does not have the funds or the staff to perform them in a timely manner.	Budget	Timely completion of appraisals and surveys, and accelerated cycle for lease approval. Extra costs sometimes drive prospective lease applicants away.	Medium	Medium
Pacific Region BIA Agencies, Regional and	Process Outputs	Recent statutes have resulted in the BIA offices being flooded	Federal Law	Large workload demands are incremental to the	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Field Offices		with FOIA reporting requests. There is a current backlog of 350 or so. Each requires anywhere from 8 to 500 hours of effort.		primary job descriptions, activities and objectives of the office resources. Efforts channeled to FOIA responses directly reduce the amount of effort available for primary responsibilities.		
Hoop Valley Tribe	Process	The Tribal land planning resources perform in-depth NEPA compliance processes for any land use planning involving Federal funding. Where land use does not involve such funding, most assessments result in a rapid CatEx or FONSI.	Federal Law	Substantial reductions in workload for leasing and realty resources.	Medium	Medium
Pacific Region BIA Agencies, Regional and Field Offices	Process Location	Agencies cover a large geographic area and generally are not in close proximity with much of the land base they support. Land bases are relatively small and scattered. With a few notable exceptions (e.g. Palm Springs), nominal levels of land use planning and monitoring are done, due to this type of land base and no special funding.	Land Characteristics	Tribes have formed consortiums to pool funds to provide compensation for several staff positions at the BIA Regional Office, in order to get several vital land services (e.g. environmental scientist, leasing specialists)	High	Medium
Pacific Region BIA Agencies, Regional and Field Offices	Process Location	There are numerous PDAs (Public Domain Allotments) which, due to their small size of	Land Characteristics	Most PDAs receive little attention, and are purported to have	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		10-20 acres, scattered locations, and lack of visibility in many of the BIA systems of record, receive virtually no land management support.		substantial trespass. BIA resources are not clear whether their Trust responsibilities include non-reservation lands, and lands for non-Tribal-members.		
Pacific Region BIA Agencies, Regional and Field Offices	Inputs Process	Agencies request certified TSRs, but seldom receive them. Agencies have stopped requesting certified TSRs for the last year. They now request uncertified TSRs.	Procedural	Ownership information used for consent and payment distribution advices is uncertified, frequently has errors, inconsistencies and rejects from OST/OTFM.	High	Medium
Pacific Region BIA Agencies, Regional and Field Offices	Process	Since the region's land has relatively high value, there are direct signing bonuses paid to owner-interests. However, this is always performed as direct payment based upon lessee discretion. Northern California Field Office and Palm Springs Field Office do request notice of direct payments, to at least track payments to ownership interests based on lease terms.	Procedural	Limited controls exist over such direct payments, and there is little assurance that the entire ownership-interest base is being treated equitably, and the BIA has poor visibility to these payments, hence not providing input for future valuation negotiations.	High	Major
Pacific Region BIA Agencies, Regional and Field Offices	Process Location Role	All checks are forwarded with the distribution advice directly to the regional OST/OTFM accountants in Sacramento. Few SDAs are	Procedural	No SDA or suspense account buildups of significance.	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		used.				
BIA Palm Springs Field Office	Process	When lessee selection is through the bid process, the Field Office invites all bidders and owners, and conducts the bid opening as a mediated auction.	Procedural	Bid process is more effective at maximizing revenue from high-value land, but is significantly more time-consuming and requires additional resources.	Medium	Medium
Hoop Valley Tribe	Mechanism	GIS systems integrate with 2 Tribal databases, one for internal Tribal land assignments, and one for allotted lands. Hoopa has contracted with the LTRO for access to LRIS systems, which are integrated with the Tribal databases. They are also implementing an electronic document repository for better contract and key record access and retrieval.	System Capabilities	Land planning, utilization reporting, ownership information, billing, collections, distributions, and compliance all have integrated information support for better decisions and transactional integrity. This substantially reduces "non-value-added" workload (e.g. error correction, reconciliations).	High	Medium
Pacific Region BIA Agencies, Regional and Field Offices	Mechanism	No shared computer systems are available, or accessible by realty staff. Problems include lack of integrated or interfaced systems, lack of network infrastructure, or lack of security clearance.	System Constraints	Consent and distribution advices are prepared using locally available data, usually manual files, resulting in uncertified data with frequent errors or inconsistencies, and rejects from OST/OTFM.	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Palm Springs Field Office	Obligation	Various Tribal ordinances help govern and provide guidance for land use planning and leasing. For example, the Outdoor Structure Ordinance includes a billboard saturation plan to encourage development of miscellaneous permit revenue for billboards, while at the same time limiting their shape, size, density, locations, etc.	Tribal Law	Clear objectives and criteria are set for Agency resources to use in leasing. Negotiations are rapid and relatively simple due to the extra clarity provided by Tribal use plans.	High	Medium
Hoopa Valley Tribe	Process	The Tribe is able to perform a high level of compliance monitoring and integrated, timely enforcement, as they closely integrate their land use and realty resources with their Tribal law enforcement staff, and have funded these programs adequately from Tribal funds.	Tribal Policy Federal Law	Unlike most BIA land operations monitoring and compliance, a high percentage of monitoring is consistently performed and rapidly enforced.	High	Medium



4.3.5.5 Long-Term Leasing (L.4)

The overall process starts with: Plan land use.

It ends with: Close long-term lease.

The Long-Term Leasing process is comprised of three major functions. They are the initiation of a long-term lease, the execution of that lease, and the management of long-term lease compliance. Long-term leases considered in this process focus on both commercial and residential leases. In uncommon instances where commercial leases did not qualify as “long-term” (generally 10 years or more in duration) all other aspects of lease initiation, execution and compliance management were included as part of our understanding of commercial leases.

For these types of long-term leases, the first major component of the leasing process involves the initiation of the lease. Activities included in this stage are general land use or specific tract planning, the application process for a commercial or residential lease, obtaining consent from the beneficial owners of the property in question, the drafting and negotiation of terms for each lease, bidding for a long-term lease if no qualified applicant or owner has indicated interest in the property, and awarding the long-term lease. If a qualified owner does indicate interest in the property, that owner may pursue use of the land either without permit or with a long-term lease. Owner use without permit usually involves simple cases where there are limited owner-interests or sole ownership of the tract where land is intended for uncomplicated use such as residing on their own land. Owner use, such as when Tribes use tribal land for economic development, is a common occurrence with or without a long-term lease.

The second major component of the Long-Term Leasing process is the execution of the lease. Execution involves preparing any necessary pre-lease billing and collection, forwarding the lease package to DOI for long-term lease approval, and following up with operational lease billing and collection of lease revenues. In certain cases, a Direct Pay scenario may be included whereby lease revenues go directly from the lessee to the beneficial owners of the property being used. Direct Pay, allowed by regulation, present difficulties for the DOI in tracking all Trust revenues and protecting Beneficiary interests.

The final component of this process involves management of long-term lease compliance. Management of compliance includes monitoring the lessee for compliance of lease terms and payments according to the lease schedule, modifying lease terms if such modification benefits and is agreeable to all parties of the lease, performing enforcement actions if the lessee is found not to be in compliance with lease requirements, and finally, closing leases for either non-compliance or for natural termination stipulations.

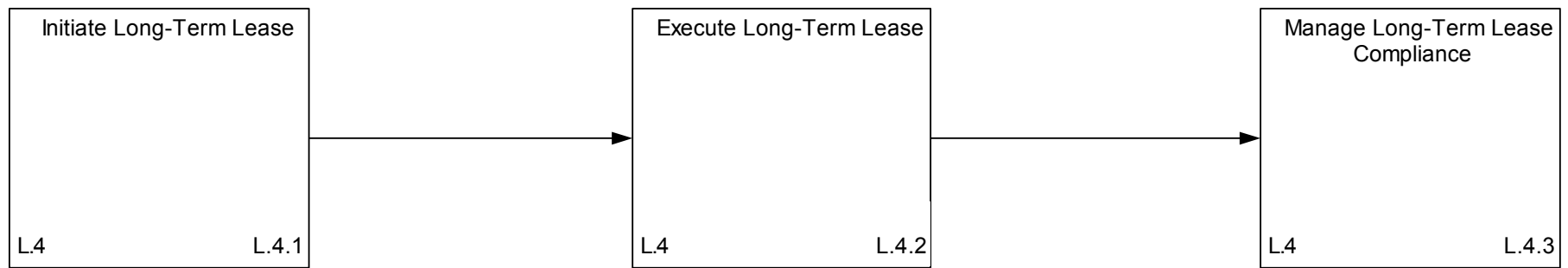


Figure 4.3.5.5- 1 Long-Term Leasing High Level Diagram



4.3.5.5.1 Initiate Long-Term Leasing (L.4.1)

Starts with: Plan land use.

Ends with: Award long-term lease.

In general, the initiation of long-term leases may start with an element of regularly scheduled land use planning. This planning may happen on a yearly basis, as part of land development activities or even as part of Tribal economic development plans. The more formal components of long-term lease initiation begin with the lease application process. During this step, processes outside of leasing, such as title, survey, and appraisals may be conducted.

Once an application is in process, the BIA realty program staff (sometimes in conjunction with the potential lessee) pursues beneficial owner interest consent to the lease. Total consent is determined as a percentage of the owner-interests identified for a tract of land. The application process also involves significant collaboration with many outside organizations including environmental protection, regulatory, cultural or historic preservation agencies, and/or HUD and related local zoning boards. Application processing or administration fees may be charged.

If a sole owner intends to use his/her property, the owner may express to the BIA that he/she intends to use the property in question *without permit*. In this particular case, the Long-Term Leasing process ends and the owner proceeds to use the land as indicated. Otherwise, the process continues with the drafting of terms. Many BIA Regions have several standard long-term leases with pre-developed terms. It is particularly common for a Region or Tribe to have standard residential leases, with 25, 50 or even 99-year lease periods with automatic extensions stipulated.

Generally, residential lease terms are not “negotiated,” but rather an agreement is reached regarding any lease payments. Almost always a residential lease stipulates an annual payment of \$1. Some regions require a lump sum payment up front for the entire rent on the lease (e.g., \$65 for a 65 year lease), others actually collect the yearly rental fee, while many waive the rent entirely.

On commercial leases, the next step in the process is to conduct long-term lease negotiations. The draft or standard lease package is updated with mutually approved stipulations.

On Tribal lands, the Tribe may lease property for numerous uses that bring services and programs beneficial to the life of the Tribe onto the reservation. Examples of these types of uses include Tribal Council offices, day care centers, houses of worship, and schools. Tribes and individuals may also lease their own lands. Tribes often lease Tribal lands to a Tribal Enterprise, an incorporated business owned by the Tribe itself. Individuals may lease property in which they have an interest for commercial uses. Unless they are the sole owner, consent must be obtained from the other tract interest owners.

The final step of the Initiate Long-Term Lease subprocess is focused on obtaining final permission from the Tribe or Beneficiaries to execute the lease. This step involves providing the beneficial owner of the land with the finalized lease package and negotiated terms for their approval. When a Tribal governing body provides a Tribal Resolution to proceed with the lease or Beneficiaries sign consent forms or the lease itself, the long-term lease is considered “awarded” to the applicant or lessee. Legally, the lease is not approved until signed by the BIA Line Official.

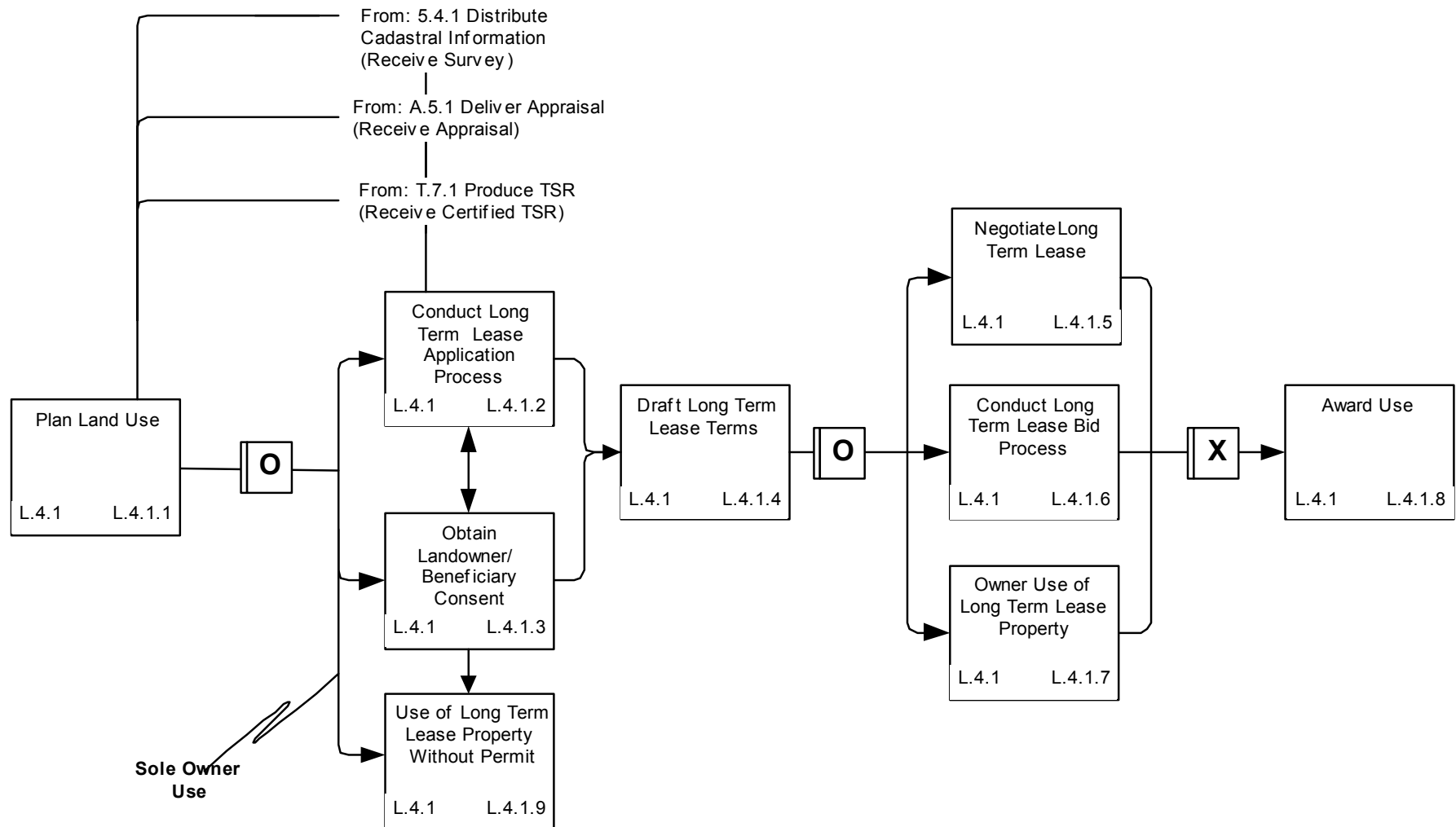


Figure 4.3.5.5- 2 Initiate Long-Term Lease IDEF(3)



Beneficiary Involvement for Initiate Long-Term Leasing

Beneficiaries are significantly involved in initiating long-term leases. Tribes engage in economic or land development, and for residential leases, Tribal zoning boards and housing development activities with HUD may be pursued. Long-term lease applicants who are also beneficiaries are often required to obtain appraisals, surveys, clearances and consent on their own to fulfill the requirements of the lease application package. Beneficiaries may also provide consent to a long-term lease applicant or may lease their own property without permit. When terms are being drafted and negotiated for a specific lease, beneficiaries may place requirements on the lessee as stipulations of the lease. When Tribes intend to use their own property under lease, they act on their own behalf within the Tribal government committees and the Tribal governing body to promote economic development and growth often through creating Tribal Enterprises and bringing programs and services onto the reservation that will benefit their Tribal members and beneficiaries.

For leases of Tribal lands, Tribes may perform their own solicitation, negotiation and selection of a lessee, or they may choose to provide input and guidance to the BIA while these activities are occurring. If a long-term lease is going out for bid, beneficiaries actively participate in defining terms and parameters of the bidding process. Tribes may also create “blanket resolutions” regarding commercial leases by which the Tribal Enterprise has “first right of refusal” on all bidding performed for Tribal land.

In many cases, beneficiary “consent” is obtained twice during this subprocess—first to obtain *permission* to pursue a long-term lease or a particular applicant, and finally to “award” the lease after all terms have been negotiated. The Tribal governing body will often provide a Tribal Resolution as part of the package that is forwarded to DOI for lease approval.

Initiate Long-Term Leasing Significant Notes

- a) The long-term lease application and consent steps are often conducted at the same time. This decreases the overall time required to produce a lease package because certain tasks can be done simultaneously, such as determining land availability and viability, identifying landowners to obtain permission to proceed, ensuring an applicant’s qualifications, and ensuring proper land use.
- b) Formal negotiations are rarely performed for residential leases. Most lease packages and terms are standard according to local BIA Agency and Tribal requirements and needs.
- c) Recordation of “owner use without permit” is infrequent. This practice contributes to a lack of historical use documentation or information.
- d) Generally, Indian Trust long-term leases are not the result of proactive land development, but rather in response to interested applicants or Tribal economic development activities.

Initiate Long-Term Leasing Detail Description

Plan Land Use (L.4.1.1)

Starts with: Develop a plan for a specific land base or tract.

Ends with: Disseminate a land use plan or tract plan.

The BIA realty staff works with Tribal realty staff to identify opportunities for land use or development. Often, housing authorities/entities or Tribal committees initiate specific tract planning in order to accomplish land or economic development. Planning results in creation of development plans for a specific land base or tract of land. A decision to investigate tract availability or suitability to pursue use is performed. Residential and commercial long-term leases projected and planned for will vary widely according to expected use.

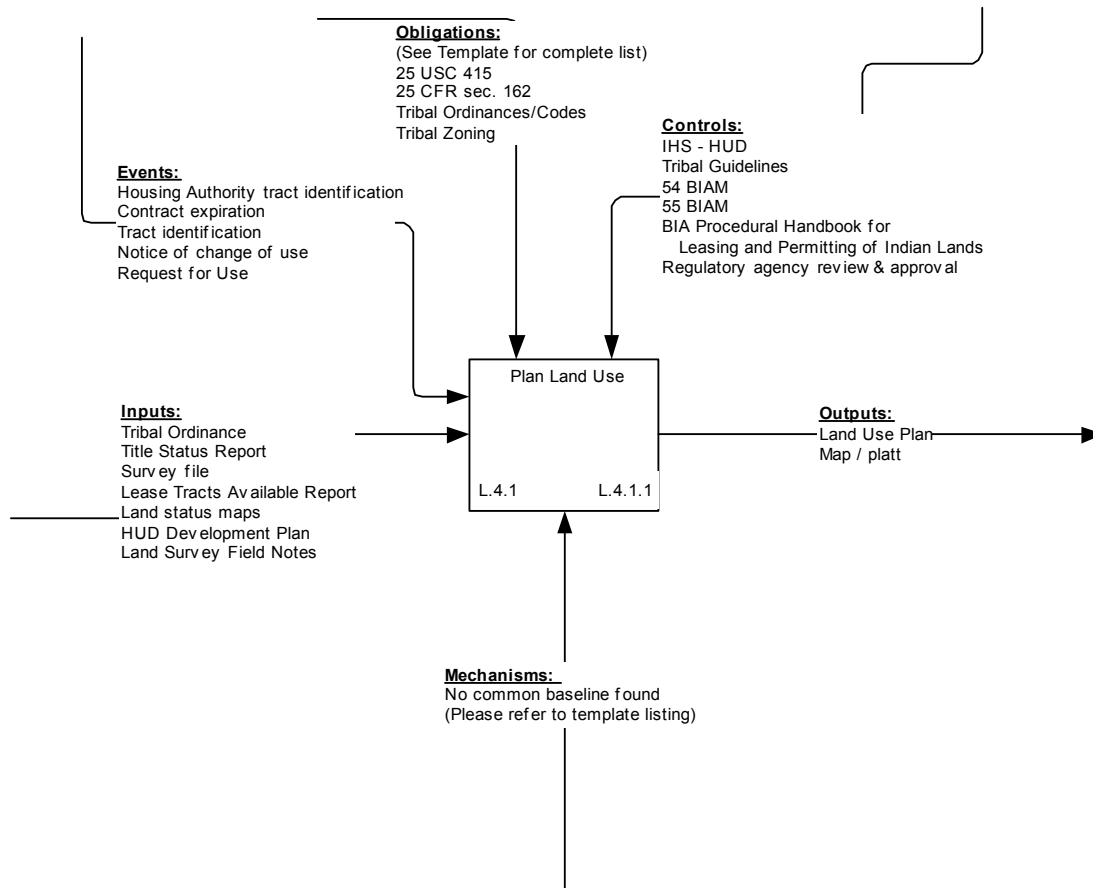


Figure 4.3.5.5- 3 Plan Land Use IDEF(0)



Conduct Long-Term Lease Application Process (L.4.1.2)

Starts with: Request for long-term lease application.

Ends with: Ascertain potential site suitability and lessee eligibility.

Specific sites are reviewed in response to an application request. Otherwise, BIA and the Tribe work together to select a commercial lease site, lease assignment, or homesite or residential lease tract. This process is generally conducted simultaneously with the process of obtaining landowner consent. The application process may involve an environmental assessment, determination of site suitability, numerous regulatory “field clearances,” surveys, appraisals and ownership title reviews. The application process is essentially concluded when potential site suitability and lessee eligibility has been ascertained.

Note: Next step (L.4.1.3) identified in process may take place concurrently with L.4.1.2.

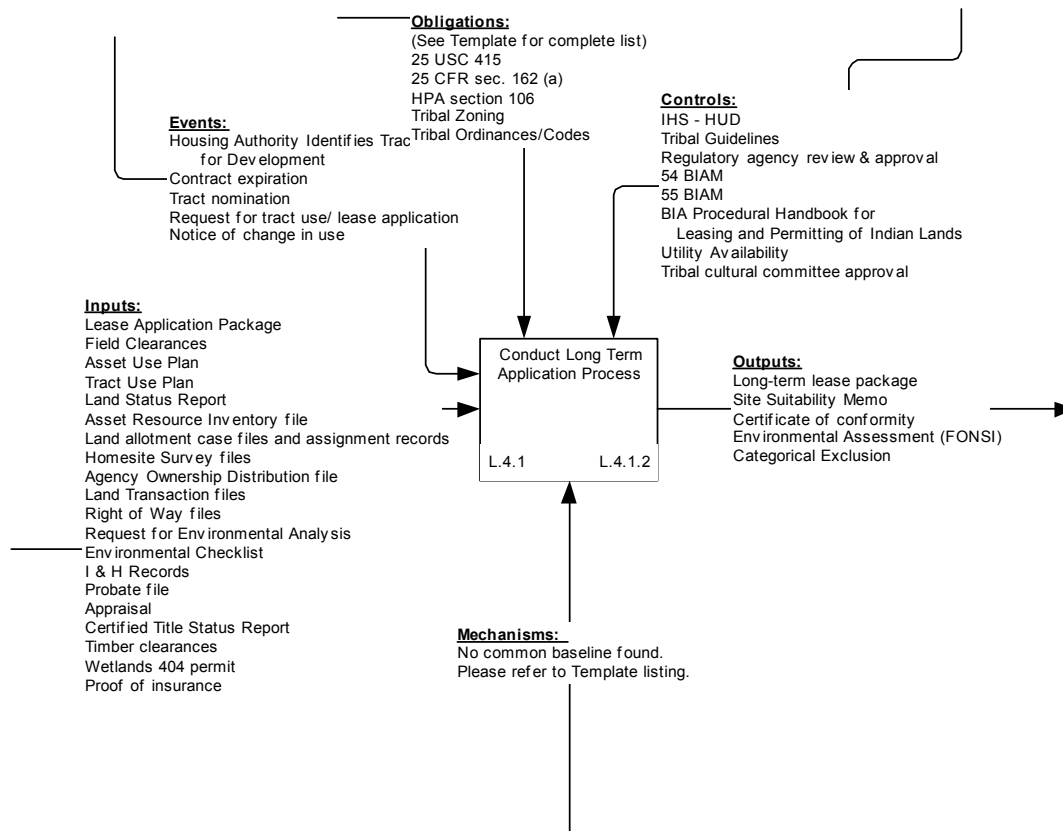


Figure 4.3.5.5- 4 Conduct Long-Term Lease Application Process IDEF(0)

Obtain Landowner Beneficiary Consent (L.4.1.3)

Starts with: Begin long-term lease application.

Ends with: Obtain the required percentage of owner-interest consent to the lease.

Once a site use has been identified and the potential site suitability ascertained, a candidate application or request for use must be accepted by the landowner beneficiaries. The process ends when beneficiary consent is obtained for the lease. To obtain beneficiary consent, consent notices are sent to all Trust interest landowners. If objection is received from any of the notices, the objecting party is solicited to provide a potential secondary (backup) lessee. Approaches to consent vary widely from Agency to Agency. Some Agencies assume that historical use implies consent therefore no current consent is required. Others use an implied consent, whereby non response to the 90-day notice is considered an assumption of consent. Still others attempt to obtain a “positive confirmation” with majority consent.

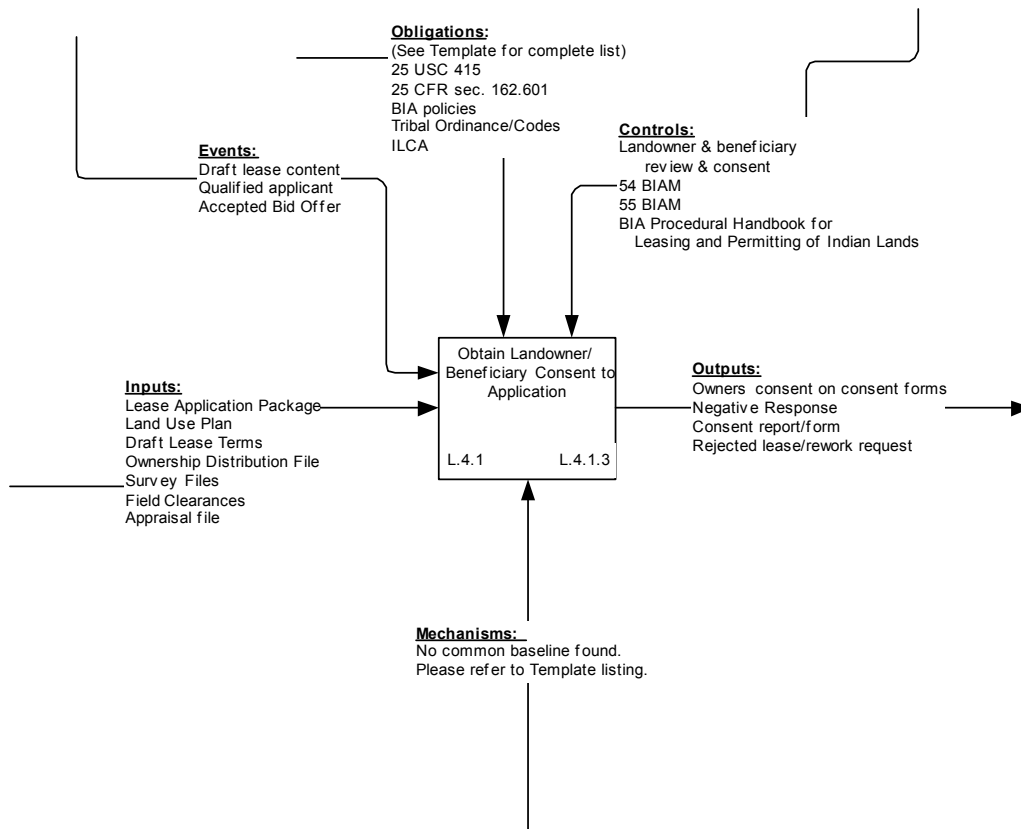


Figure 4.3.5.5- 5 Obtain Landowner Beneficiary Consent IDEF(0)

Draft Long-Term Lease Terms (L.4.1.4)

Starts with: Begin drafting long-term lease terms.

Ends with: The process ends when Draft lease terms have been developed.

Once a decision has been made that the site is available and suitable for the prospective lease, drafting of lease terms is performed. Realty specialists assess available information and complete a draft lease package, including but not limited to a pre-lease action item checklist, the lease content and terms, bonding requirements, pre-lease payments, and a lease payment schedule. The draft lease package is made available to candidate lessees. Long-term leases are generally contracted for significant property improvements such as the following:

- a) Lumber mills, schools, social programs (e.g., daycare) centers
- b) Private businesses
- c) Residential homesites
- d) Tribal enterprises

This process of drafting lease terms includes the beginning of negotiation with the requesting party or identified probable user of the property, and generally is not completed until consent has been established. The process ends when Draft lease terms have been developed.

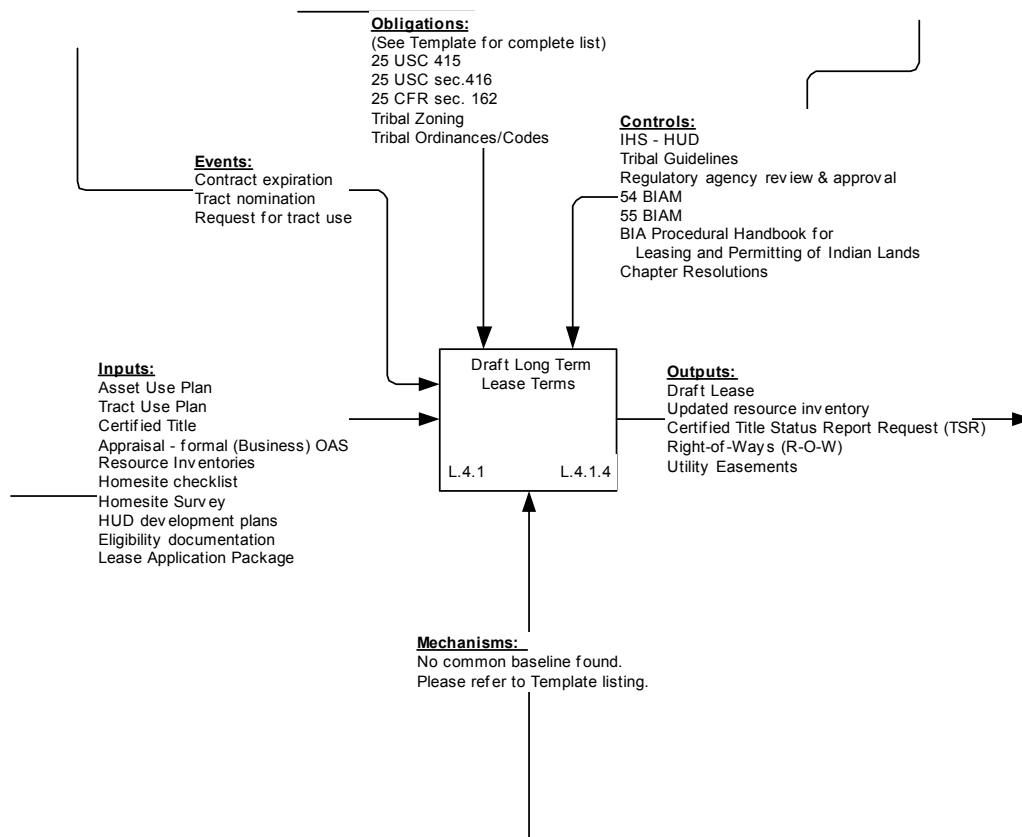


Figure 4.3.5.5- 6 Draft Long-Term Lease Terms IDEF(0)

Negotiate Long-Term Lease (L.4.1.5)

Starts with: Complete a draft lease package.

Ends with: Select a lessee.

Either the completion of a draft lease package or notification from a beneficiary to lease land initiates long-term lease negotiation. The process may include the beneficiaries' receipt of a notice of intent to use their property or even in certain cases an application for use of a site (or subset of a site) of land. Negotiation may result in selecting a user/operator of the property with or without lease. Use of Trust property without a lease is generally allowed at beneficiary discretion, dependent upon the history of the beneficiaries' relationship with the potential applicant. Negotiations are conducted with a candidate in order to meet leasing requirements and acceptable terms.

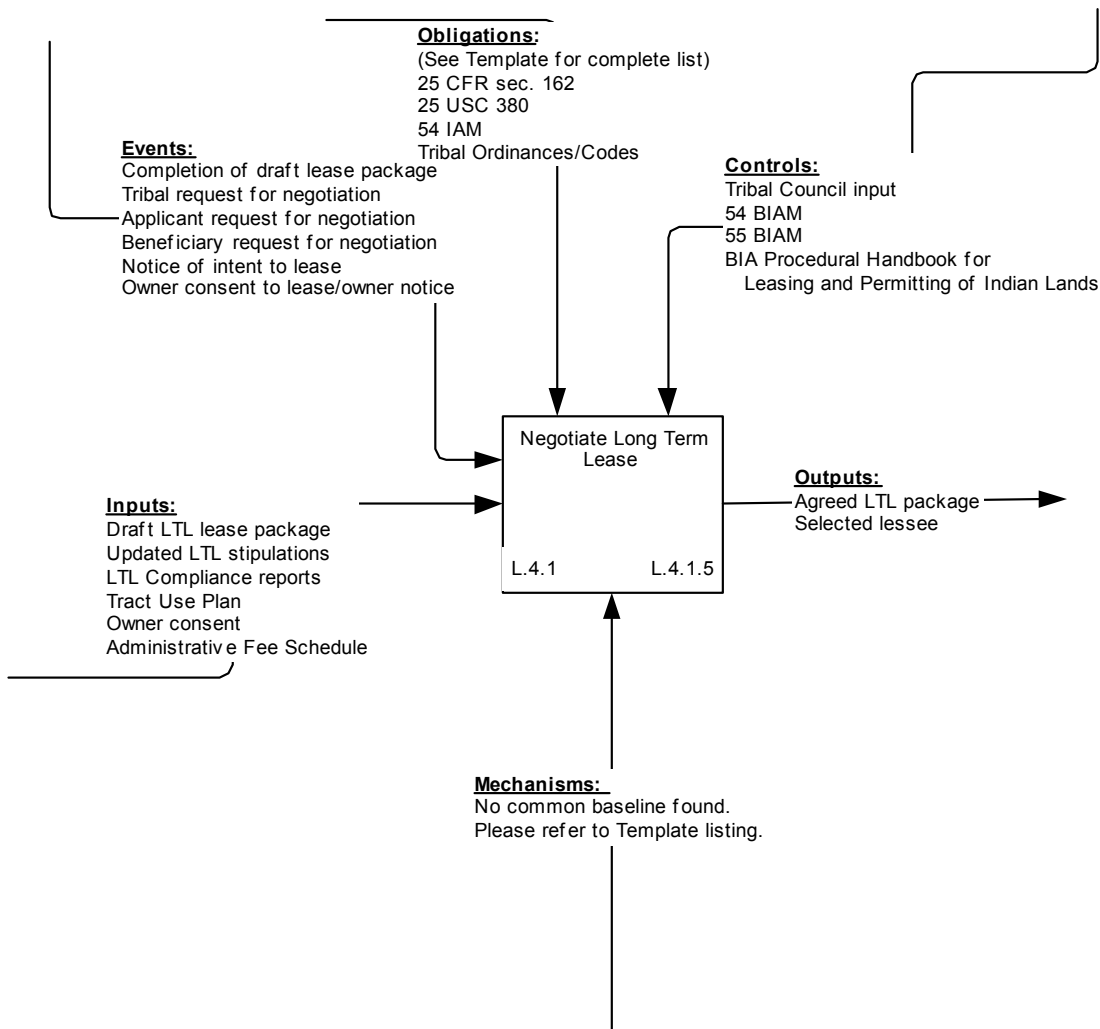


Figure 4.3.5.5- 7 Negotiate Long-Term Lease IDEF(0)

Conduct Long-Term Lease Bid Process (L.4.1.6)

Starts with: Nomination of parcel for bid.

Ends with: Select a bidder as the lessee.

There are instances on Indian lands when sites are determined suitable for long-term lease and no qualified applicant or owner-use applicant is interested. In order to promote land use, a bidding process for long-term leases is then conducted. Specifically, bidding is common in two cases: where leasehold improvements exist on the property and land has become idle, and where suitability assessment has determined that development of a property is appropriate, consistent with Tribal plans and culture, and bidding is the most appropriate method of ensuring a fair market value is received. The bidding process is completed when a lease offer is selected for award (although the lease is not yet signed).

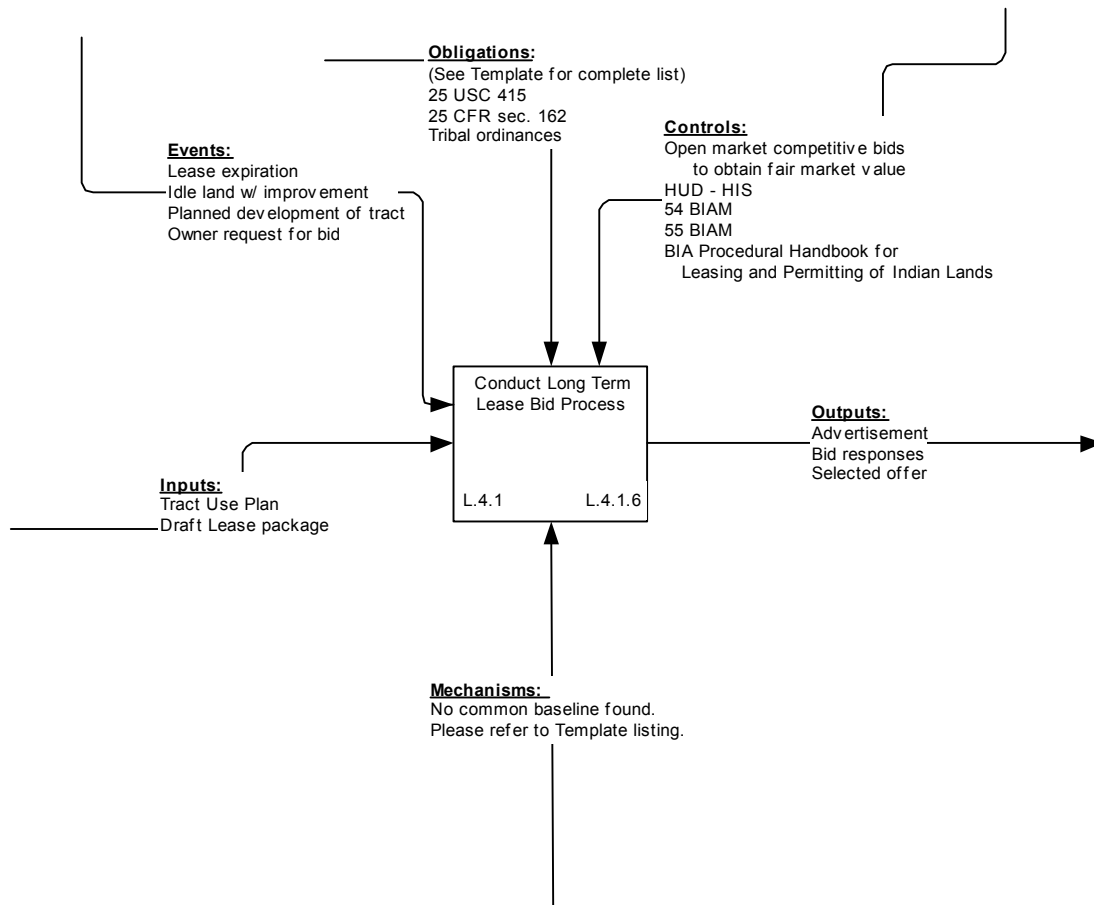


Figure 4.3.5.5- 8 Conduct Long-Term Lease Bid Process IDEF(0)

Owner Use of Long-Term Lease Property (L.4.1.7)

Starts with: Beneficiary expresses interest to obtain a lease.
Ends with: Grant the lease.

A beneficiary may express interest to engage in a long-term lease on their own Trust land. For Tribes, a lease is frequently entered into with a Tribal corporation or enterprise, and usually involves the Tribal governing body selecting and approving the leasing option, agreeing to the stipulations and lease terms and/or passing a Resolution to allow a specific operation or activity to occur on Trust Land. For other landowners/beneficiaries, formal lease agreements on allotted lands are required prior to individuals obtaining leasehold mortgages or site building privileges.

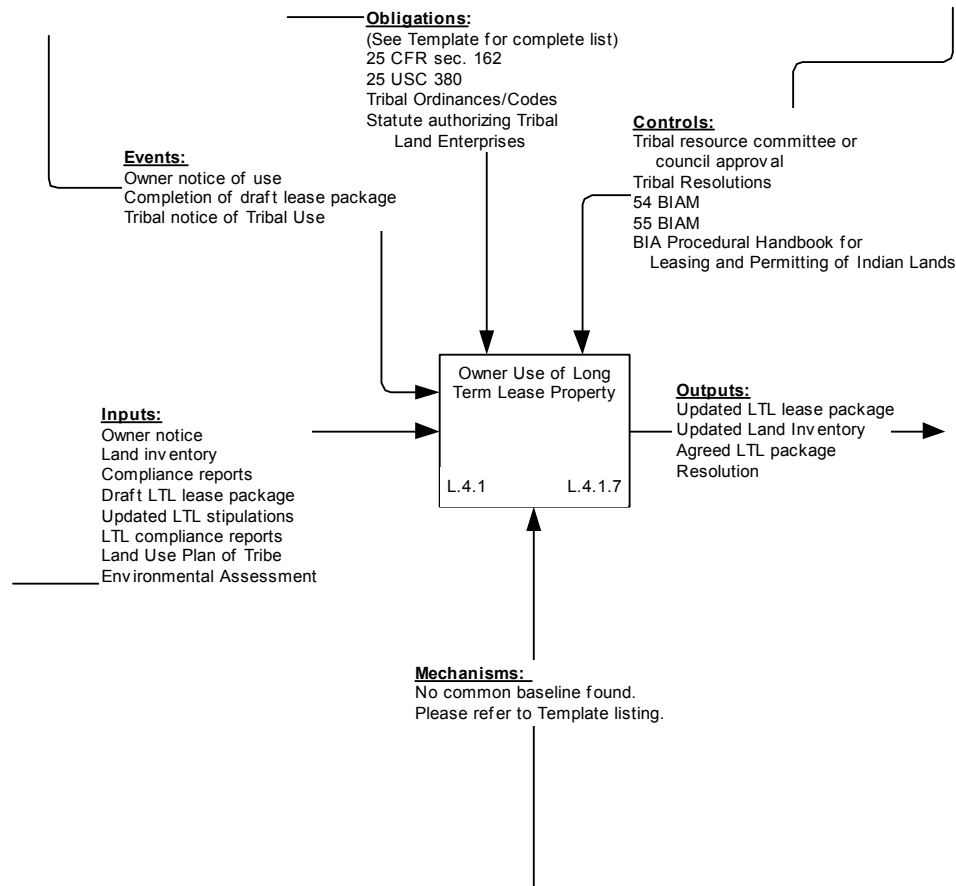


Figure 4.4.5.5- 9 Owner Use of Long-Term Lease Property IDEF(0)



Award Long-Term Lease (L.4.1.8)

Starts with: Review long-term lease package.

Ends with: Award long-term lease.

The beneficiary(s) review the negotiated lease package signed by the lessee. A long-term lease is considered awarded when the beneficiary and the lessee are in concurrence of the lease terms. The lease must subsequently be approved by the BIA to be considered valid.

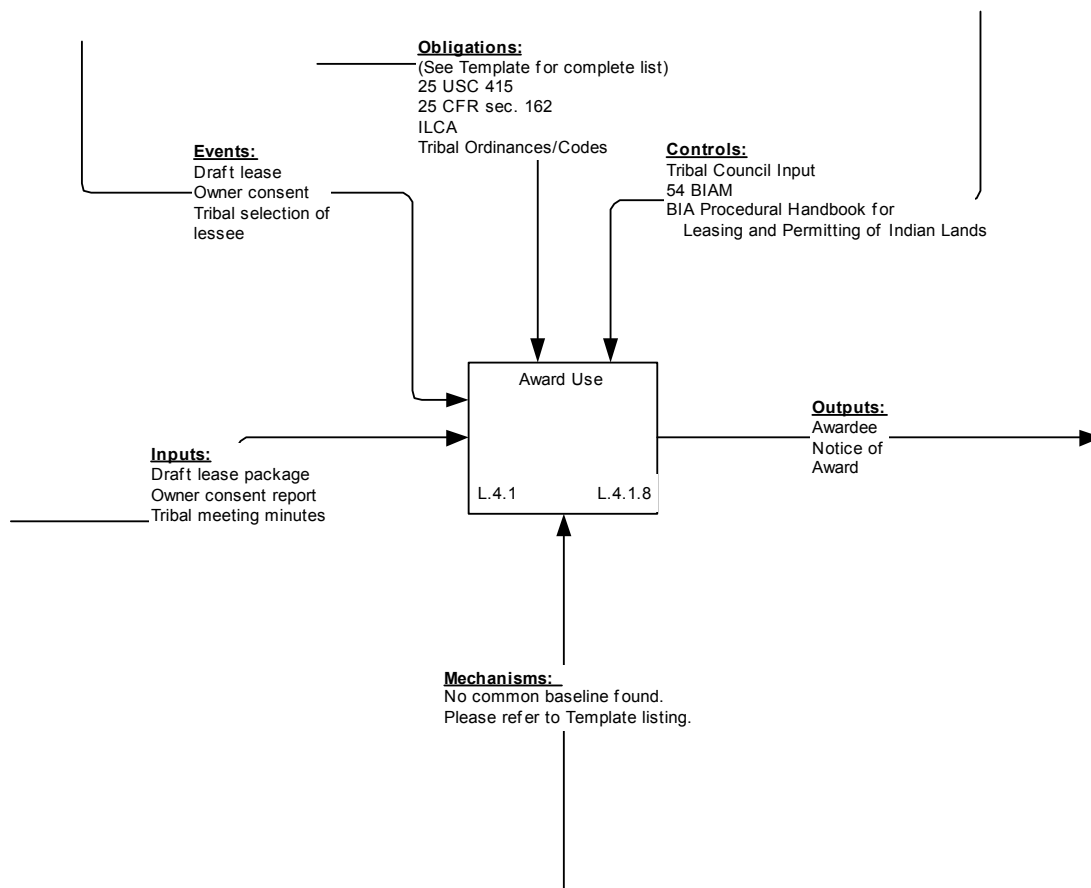


Figure 4.3.5.5- 10 Award Long-Term Lease IDEF(0)

Owner Use Without Permit (L.4.1.9)

Starts with: Beneficiary expresses interest to use property without permit.
Ends with: Landowner use Trust property without a permit.

This process begins with a beneficiary expressing interest to use their own Trust land without a permit. Historical use of Trust lands describes a situation in which land is being utilized without formal documentation or an encumbrance vehicle. Consent of other landowners may be obtained, although permission to proceed with land use is normally conferred at the time interest is first expressed by other landowners.

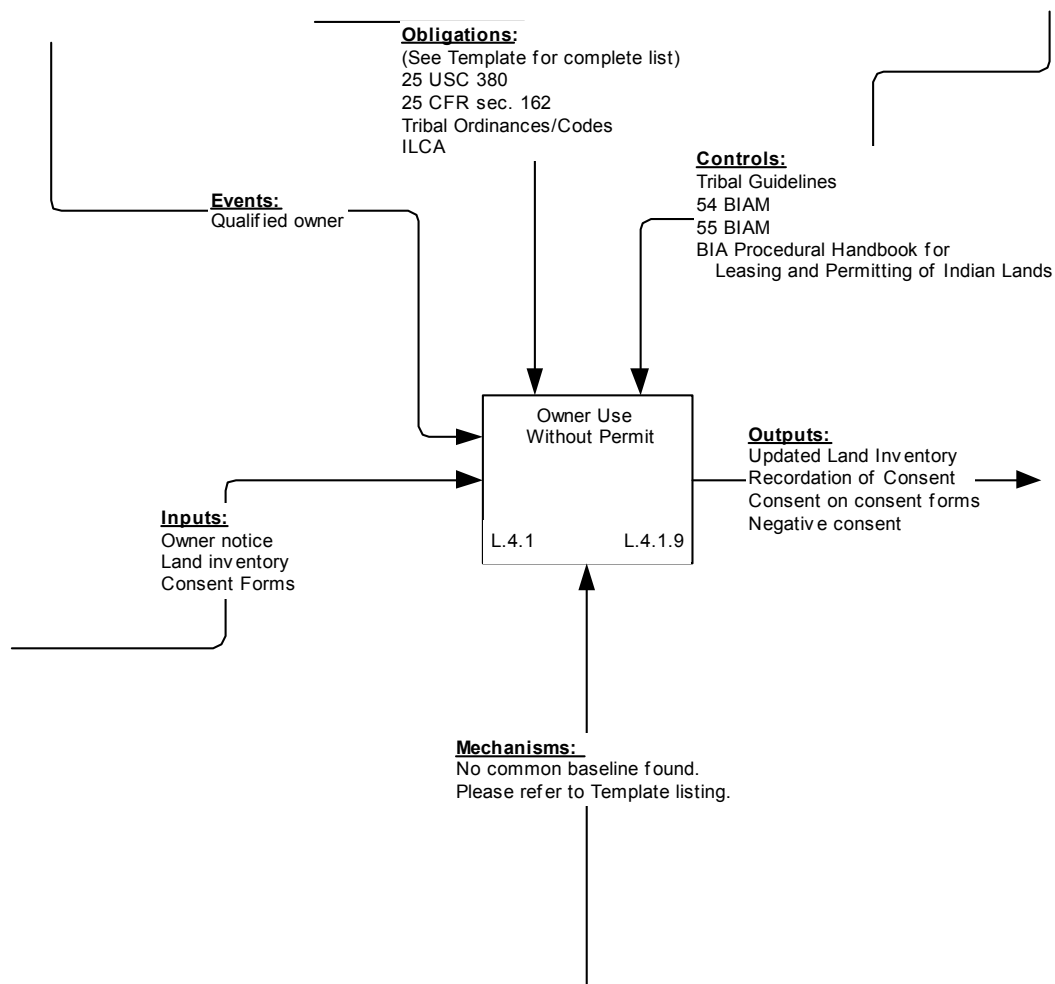


Figure 4.4.5.5- 11 Owner Use Without Permit IDEF(0)



4.3.5.5.2 Execute Long-Term Lease (L.4.2)

Starts with: Bill for Collection of pre-lease payments.

Ends with: Lease revenues are deposited in beneficiary accounts.

The second major step in the Long-Term Leasing process is the execution of the long-term lease. Execution involves two steps prior to submission of the lease to the Department of the Interior. Certain leases require up front payments of earnest monies, performance bonds, lines of credit, insurance bonds, etc. These funds or cash equivalents are required in order to be considered for the lease. BIA program staff prepares billing and the potential lessee provides the required funds or cash equivalents to the BIA. Because these funds are collected prior to DOI approval of the lease, they are considered non-Trust funds. Therefore, BIA collects these funds into a special non-trust deposit account ("suspense account") within the Department of the Treasury's Federal Financial System—not into the DOI Trust fund accounts managed by the Trust Fund Accounting System (TFAS).

When all lease application documentation is consolidated, environmental and cultural clearances are obtained, Tribal Resolutions or Beneficiary Consent forms are obtained, and any pre-contract monies are collected, the long-term lease package is forwarded to the designated DOI Line Official for signature on behalf of the Secretary of the Interior. BIA prepares operational billing cycles to collect lease revenues, or where a Direct Pay scenario has been negotiated, the lessee pays revenues directly to the Beneficial Owners. As appropriate, the pre-lease funds collected are transferred into TFAS as trust funds to be deposited into Beneficiaries' Trust accounts.

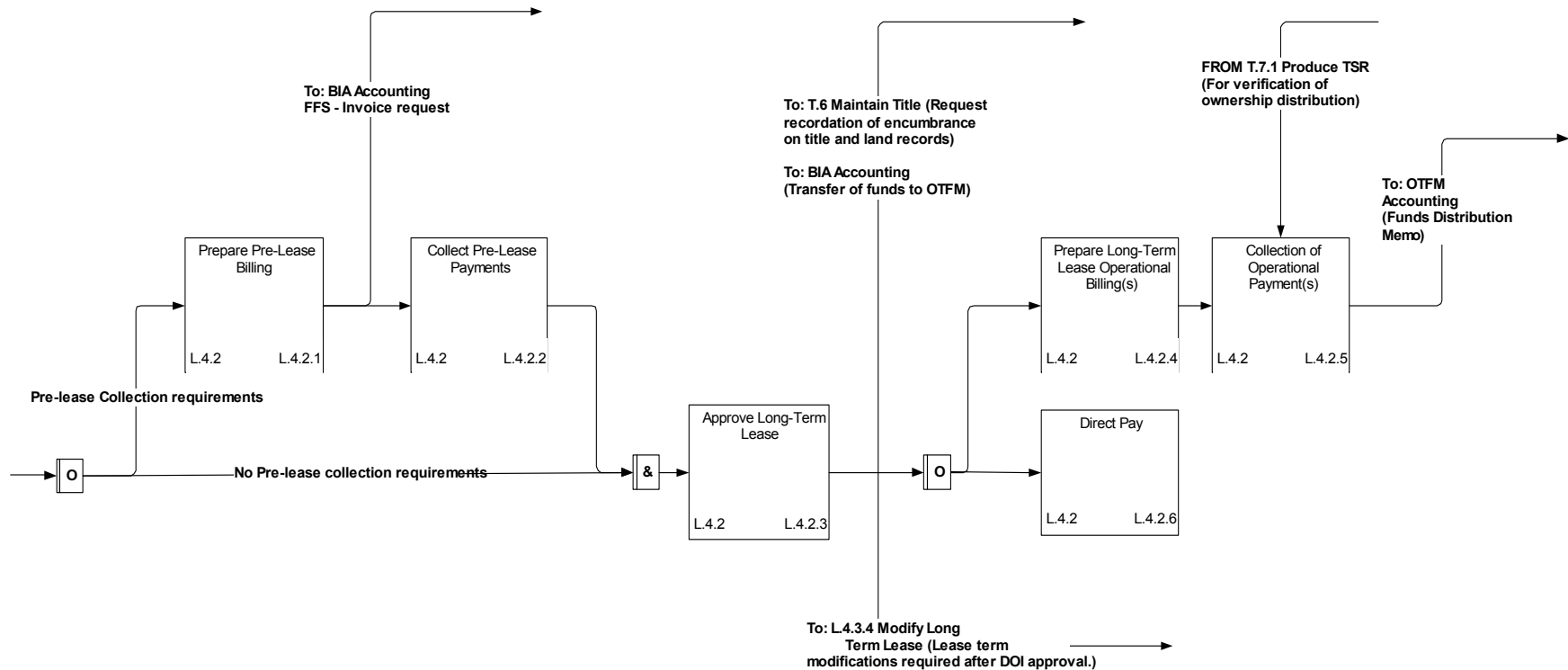


Figure 4.3.5.5- 12 Execute Long-Term Lease IDEF(3)



Beneficiary Involvement for Execute Long-Term Lease

Beneficiaries may insert stipulations within a long-term lease that require advance payments, performance bonds, insurance bonds, or cash equivalents prior to the lease being approved by DOI. If Tribes or beneficiaries have developed a Direct Pay scenario for a long-term lease on their lands, these up front payments may be made directly to the Tribe into general fund accounts or to the beneficiary. Operational payments may also be made through a Direct Pay scenario so that beneficiaries are responsible for managing lease revenues on their own behalf. Beneficiaries must provide consent to the lease, and Tribal policy directives may include a final approval by the Tribal Governing body (usually in a Tribal Resolution) prior to the DOI Line Official's approval.

Execute Long-Term Lease Significant Notes

- a) BIA Central Office is conducting an analysis and update of current leasing regulations. There has been a team assembled to develop the new regulations through consultation and hearings with individual Indians and Tribes. At the end of the consultation period, comments and input will be integrated in the resultant regulations. The new regulations, anticipated in 2003, will use plain language in a question and answer format.
- b) Direct Pay is a common method of collection and distribution of funds generated from long-term commercial leases on Tribal lands. These monies are not recorded in TFAS.



Execute Long-Term Lease Detail Description

Prepare Pre-Lease Billing (L.4.2.1)

Starts with: Create pre-lease invoice.

Ends with: Receive pre-lease invoice by lessee.

After a long-term lease has been awarded by the Tribe or landowners, pre-lease payments must be billed. Invoices and supporting documentation (e.g., a bond requirement statement) for any pre-lease payments (such as bid deposits, surety or performance bonds, total of the first year lease rentals, and other cash equivalents) are compiled and sent to the potential lessee for payment before the lease is approved. Where appropriate, BIA may also issue a bill for collection of administrative or lease preparation fees. The BIA Division of Accounting Management may set up a special holding account associated with the lease. The process ends with delivery of a pre-lease invoice and/or payment requirements to the potential lessee.

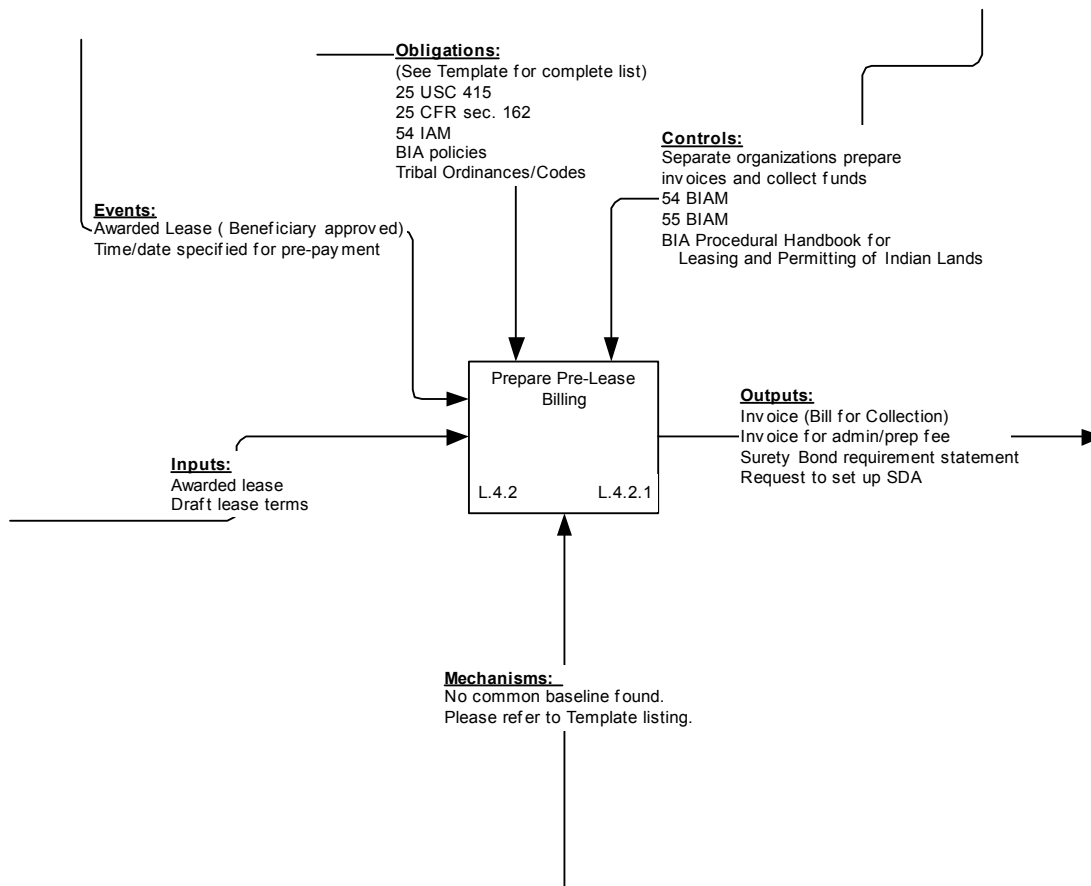


Figure 4.3.5.5- 13 Prepare Pre-Lease Billing IDEF(0)



Collect Pre-Lease Payments (L.4.2.2)

Starts with: Send pre-lease payments to BIA Agency Office or Regional Office.

Ends with: Collect and forward pre-lease payments to BIA Division of Accounting Management.

This process begins once a potential lessee has been notified that he/she is required to make pre-lease payments before the lease has been approved. Pre-lease payments may include earnest monies, first year rental, bid deposits, administration or preparation fees, cash bonds or surety deposits (bonds are usually exempted for residential leases). This process ends when the pre-lease payment(s) have been made. Monies and cash equivalents are collected and deposited into a Federal Depository escrow account.

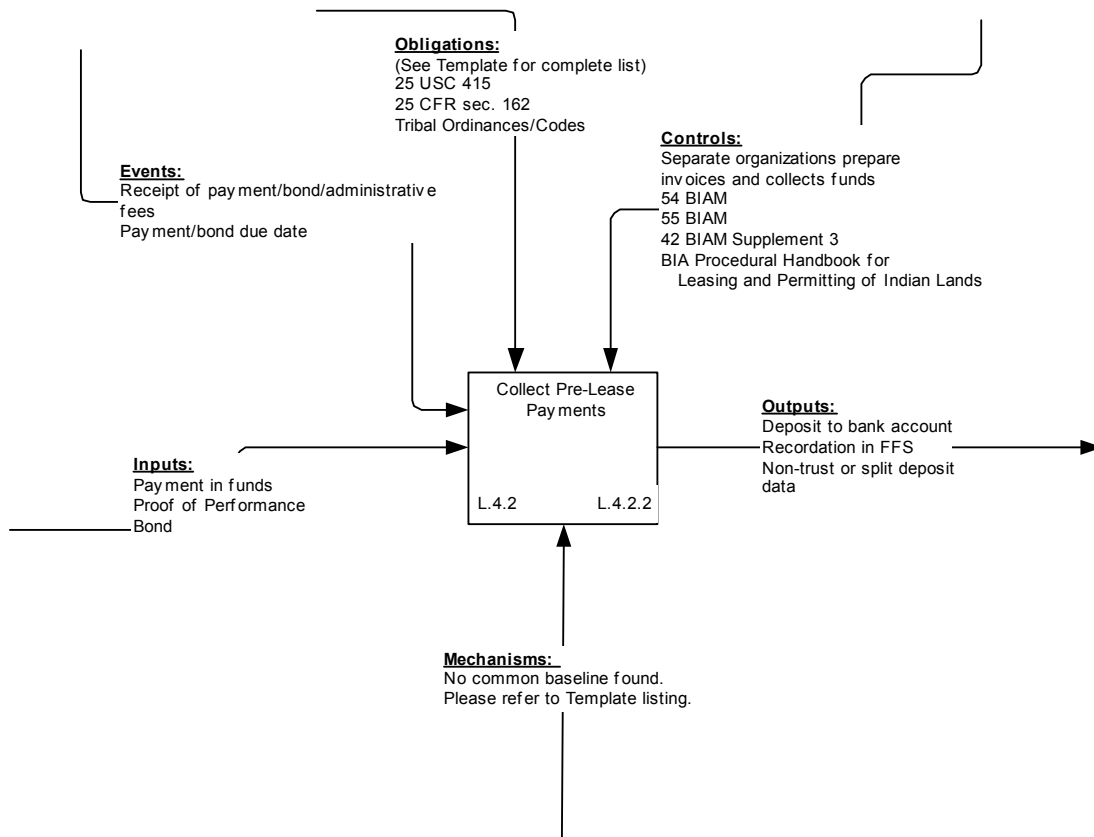


Figure 4.3.5.5- 14 Collect Pre-Lease Payments IDEF(0)

Approve Long-Term Lease (L.4.2.3)

Starts with: Forward lease package and consent forms to the DOI Line Official.
Ends with: Sign lease by DOI Line Official.

After the lease application has been completed, land use has been consented to by the owners, and any pre-lease payments/administrative fees/bonds have been collected, the lease package must be presented to the designated DOI Line Official for review to ensure that the intended lease protects Trust assets and is in accordance with Trust responsibilities. The process ends when a designated DOI Line Official approves the lease on behalf of the Secretary of the Interior. **Error!**

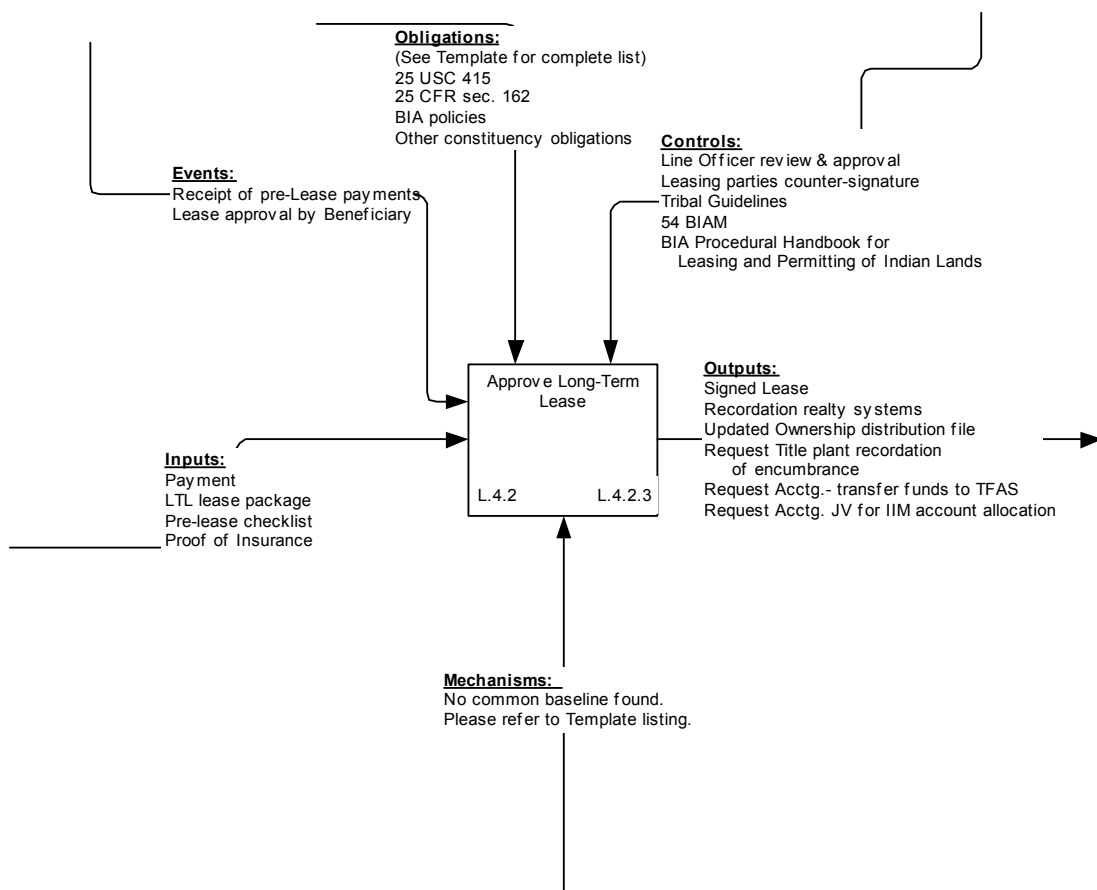


Figure 4.3.5.5- 15 Approve Long-Term Lease IDEF(0)

Prepare Long-Term Lease Operational Billing(s) (L.4.2.4)

Starts with: Create lease invoice.

Ends with: Lessee receives lease invoice.

Long-term lease billing is performed approximately 30-45 days prior to a lease payment due date. The schedule for lease payment is determined by the terms of the approved lease. Invoices are usually created in the form of a Bill for Collection, which is sent to the lessee to trigger lease payments to beneficiaries. For residential leases engaged in by landowners, it is common to waive operational payments, or to collect all lease payments as a lump sum up front. The billing process ends when the invoice is received by the lessee.

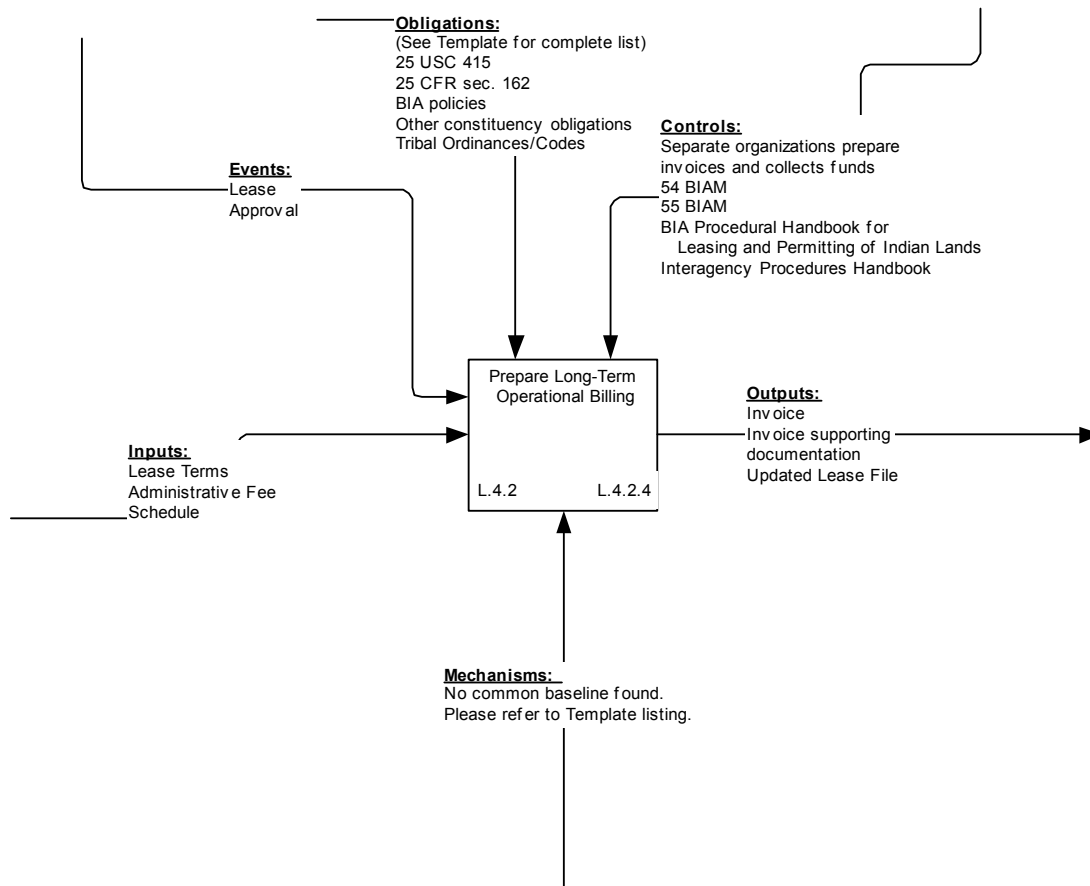


Figure 4.3.5.5- 16 Prepare Long-Term Lease Operational Billing(s) IDEF(0)



Collection of Operational Payments (L.4.2.5)

Starts with: Receive payments at the BIA Agency or Regional Office.

Ends with: Payments are deposited and distributed by OST/OTFM to beneficiary(s).

A payment due date or a regularly scheduled lease invoice received by the lessee triggers a collection. The process ends with recordation of receipt of collected funds and transfer of collected funds to OST/OTFM Accounting for distribution to the beneficiaries' trust accounts. Due dates are recorded as a term on the long-term lease. Operational payments may include rent or other payments made by the lessee to the beneficiaries in lieu of the lessee performing certain lease terms. Examples include payments made in lieu of leasehold improvements, or payments made to a Tribe where the Tribe performs certain functions required by the lease. All payments received for invoices generated by the BIA Agency are deposited and recorded. [Please note that procedures for receipt and accounting of "Direct Payments" are documented in the section for L.4.2.6, Direct Pay.]

Where no payment is received, payment is not made in full, or payment does not arrive on a timely basis, an escalated set of collection processes are executed to obtain funds due. A verbal or written reminder usually occurs first, followed by a 10-day show-cause notice, then any other collection procedures deemed appropriate by the BIA Agency Superintendent or Line Official. Primary activities performed in this process include:

- a) Collection of long-term lease operational billing Dunning/10-day show-cause notice (for non-payments, underpayments or late payments)
- b) Updates to the distribution deck (record of which accounts get specific amounts of the collected funds) upon request, or required from reconciliation
- c) Error & reject correction (from the transfer of collections to OTFM, where they are rejected by either the NX/A17 or TFAS systems)

Collections are performed by a Collections Officer apart from the Realty Specialists who prepare the billing, in order to maintain segregation of duties. If payment is not remitted, incorrect or late, the dunning notice is sent. If the dunning notice does not result in proper lease payments and interest owed, lease/permit cancellation or other types of remediation would be taken. The error/reject correction activity occurs during overnight, batch transfers or voucher transfers to OST/OTFM Accounting. Fund collections are reported in local agency systems, usually local or regional in their design and operation. The records of Individual Indian accounts in these systems are frequently not identical in the records used by the OST/OTFM headquarters in the TFAS system. Information first passes through an NX/A17 system, which provides a front-end edit, validation and common interface into the TFAS system. Inconsistencies may exist between each of these three systems (local Agency, NX/A17, TFAS). Hence, an inconsistency may be found in the NX/A17 system, researched, and corrected only to find an additional error rejection found at time of attempted posting to TFAS. Errors are researched, and various agencies, regions and Central Offices are contacted to collect the reconciling information. Corrections are then made and submitted for resolution.

In some instances, the reconciliation may point out a need for an update to the distribution deck (or OST/OTFM may request an update), especially when records between the BIA Agency, the

Land Title Records Office (LTRO/TSO) and OST/OTFM Accounting are inconsistent. For requested updates to the distribution deck, all relevant records are reviewed, and if any questions result, a TSR may be requested from the Title process at the title plant to obtain a current title search to ensure accurate monetary ownership information for appropriate distribution of income.

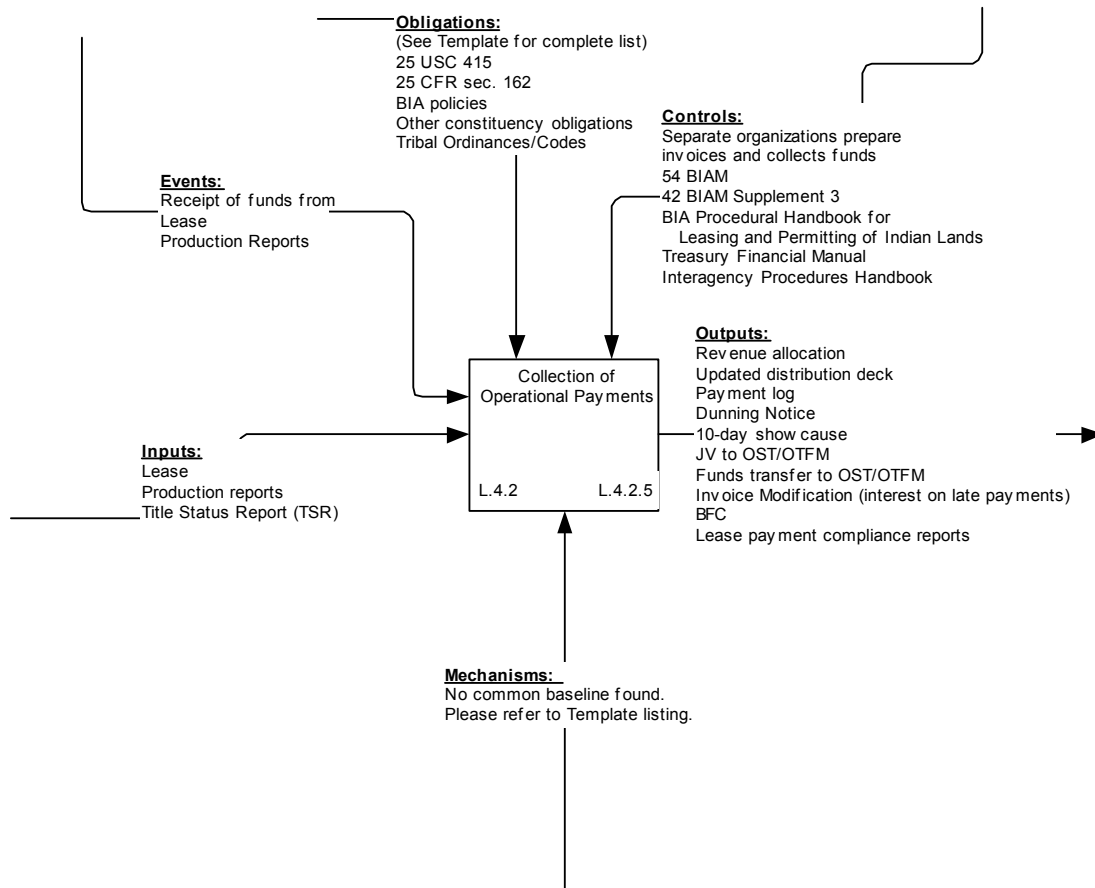


Figure 4.3.5.5- 17 Collection of Operational Payments IDEF(0)

Direct Pay Lease (L.4.2.6)

Starts with: Establish a Direct Pay for lease payments.

Ends with: Receipt of Direct Pay funds.

Approved long-term lease terms stipulate that payments are to be made directly to the Lessor/beneficiary. Some Tribes/Lessors may generate and submit Annual Income reports to the BIA Regional Office. Note that when the leases are negotiated and have “Direct Pay” terms, the BIA has no role in billing or collection. The owners themselves effectively perform this activity. For this direct payment, a payment report is generally received from the lessee as confirmation of the payment. The process ends with collection of payments directly by the beneficiary/Lessor.

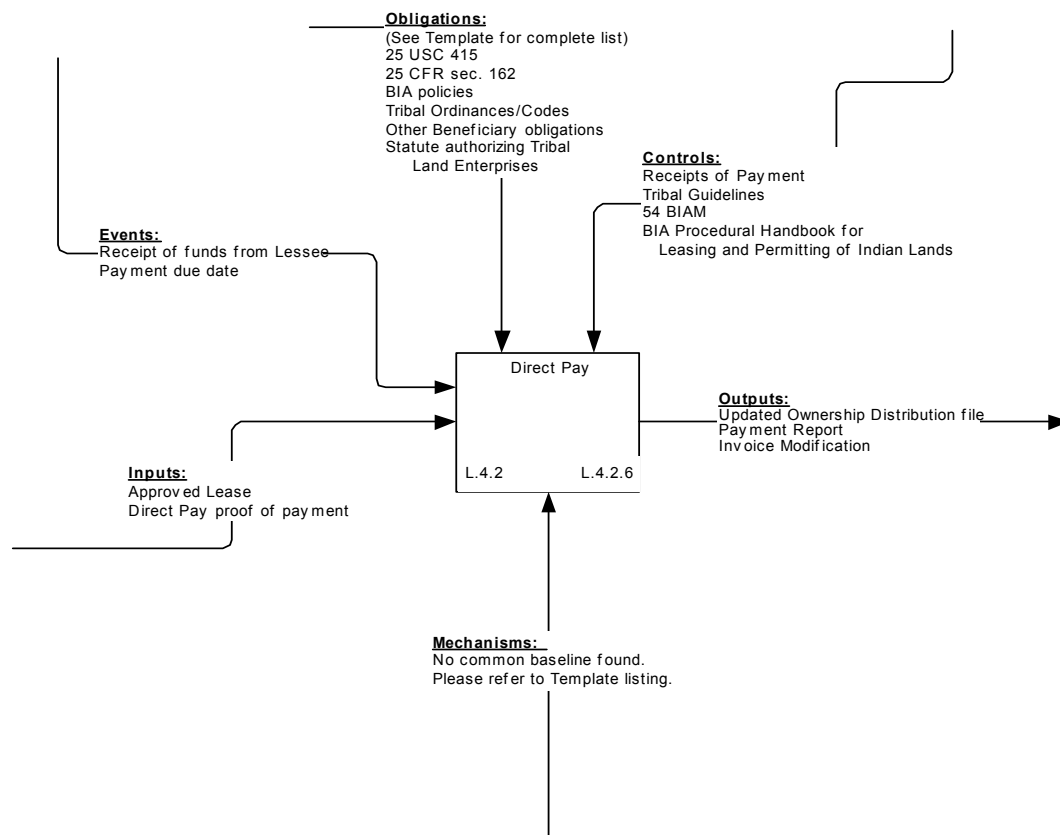


Figure 4.3.5.5- 18 Direct Pay IDEF(0)



4.3.5.5.3 Manage Long-Term Lease Compliance (L.4.3)

Starts with: Monitor long-term lease.

Ends with: Close long-term lease.

The final subprocess of the Long-Term Leasing process involves the management of long-term lease compliance. Long-term lease compliance involves monitoring activities as well as potential enforcement activities if a lessee is not complying with all lease terms or is not paying lease rent as required. Also, during this period the lease may be modified if new terms are approved by the lessee, the DOI and the beneficiaries. At the end of a long-term lease period, residential leases and certain commercial leases may have an automatic extension executed, or the lease may simply expire. If the automatic extension is not to be granted, and if modification stipulations cannot be approved or enforcement actions have been necessary, BIA may close the lease formally. When a lease is closed after the lessee has met all lease terms sufficiently, the performance bond is returned.

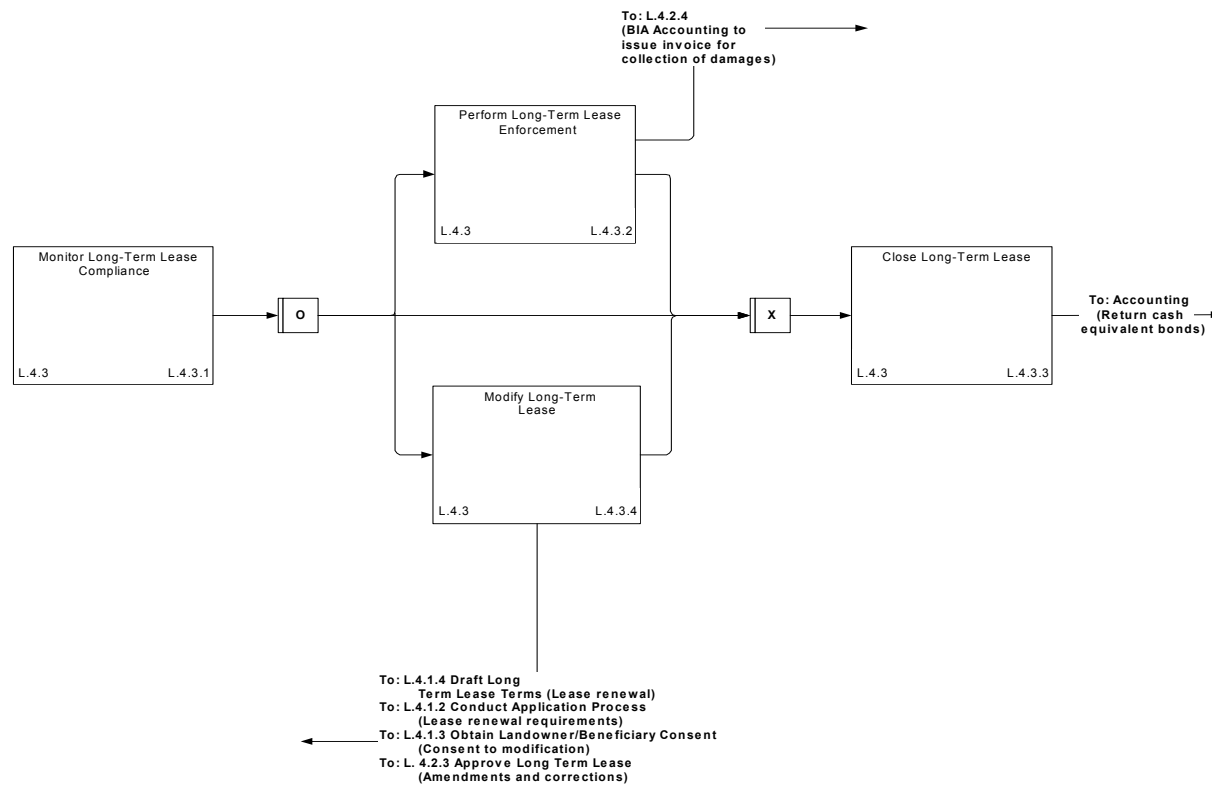


Figure 4.3.5.5- 19 Manage Long-Term Lease Compliance IDEF(3)



Beneficiary Involvement for Manage Long-Term Lease Compliance

Beneficiaries may request the Lands or Realty Office to perform compliance-monitoring activities. For contract modifications, beneficiaries provide input regarding new lease terms, and are generally involved in the same capacity as when the lease was initially negotiated. In the event a beneficiary believes that a compliance issues exists with their land, they provide information regarding the issue or incident. In serious cases where enforcement actions are necessary, beneficiaries provide input with regard to the extent of enforcement actions they would like to be taken in accordance with their needs and interests. Tribal land offices perform their own enforcement activities with the support and direction of the BIA Agency or Regional Office. Beneficiaries may provide similar information if they determine the need for a lease to be cancelled entirely. At the end of a long-term lease, beneficiaries may also help ensure that all lease terms have been met and the land is either returned to its original condition or leasehold improvements have been made, according to the terms of the lease.

Manage Long-Term Lease Compliance Significant Notes

- a) When leaseholds expire on residential leases, lessees may own the house previously mortgaged, but they do not necessarily own the land the home is built on. Regardless of the improvements to the Trust land due to houses with permanent foundations, the lessee has no rights to the land or its use after the residential lease expires.
- b) Monitoring and enforcement of long-terms leases falls under the responsibility of BIA, but in some regions BIA may have limited enforcement capabilities.

Manage Long-Term Lease Compliance Detail Description

Monitor Long-Term Lease Compliance (L.4.3.1)

Starts with: Monitor lease compliance or notify BIA of lease compliance incident.

Ends with: Complete lease compliance report.

Scheduled monitoring activity or notification of an unforeseen and undesired change regarding the leased property may initiate lease monitoring activities. Numerous changes may trigger compliance monitoring. Although some formal, scheduled monitoring activities take place which result in a lease compliance report, most are triggered by informal activities or notifications of the following:

- Contract violations
- Asset changes
- Notice of complaint or compliance issue from drive-by observations

Formal and informal monitoring is based on seasonal schedules, natural or man-caused events, and availability of resources. An inspection then may generate other information on other leases in the same or adjacent geographic areas. A significant number of Tribes perform their own long-term lease monitoring. BIA performs financial compliance monitoring through an annual report of revenues, which the Tribes provide. It should be noted that this reporting may not be comprehensive, and its submission is not strictly enforced. During monitoring, an assessment is made whether to escalate a reported incident for lease enforcement actions. The process ends with completion of a compliance report.

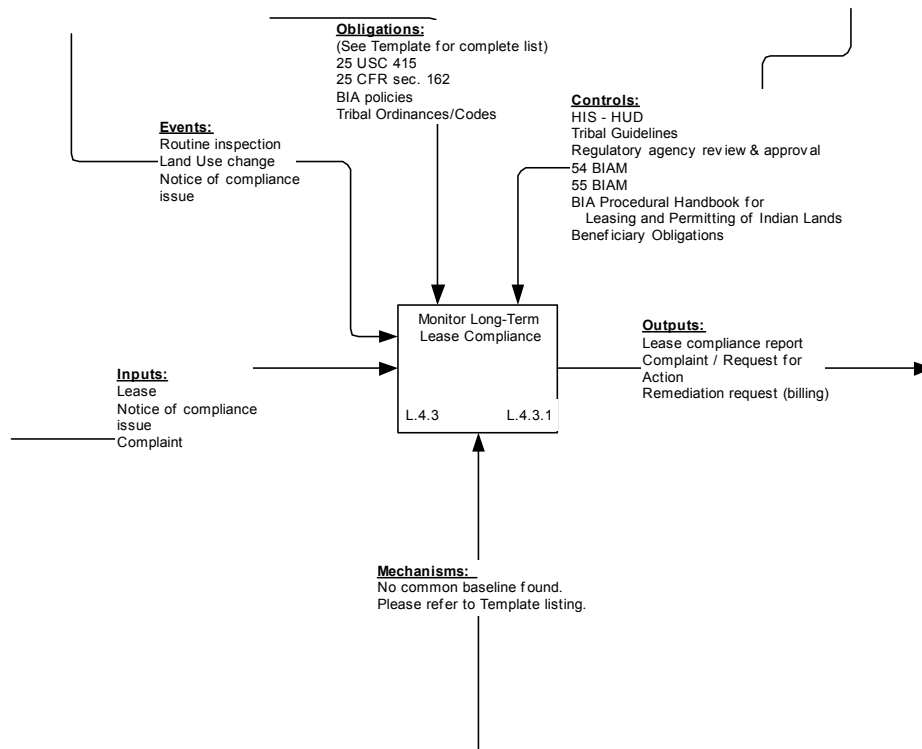


Figure 4.3.5.5- 20 Monitor Long-Term Lease Compliance IDEF(0)



Perform Long-Term Lease Enforcement (L.4.3.2)

Starts with: Need for enforcement action.

Ends with: Execute a lease enforcement action.

A compliance report may document a need for lease enforcement activity. Typically, a first action is a verbal warning of pending enforcement action with a request to the lessee to resolve the noncompliance issue. If unresolved, a 10-day show-cause notice is issued, giving the offending party 10 days to show good reason for the issue, or resolve and eliminate the issue. Left unresolved, the BIA Agency Realty Specialist may confer with the Superintendent to determine appropriate action. Appropriate actions may include billing for damages, requesting lease or permit cancellation, or requesting the support of local law enforcement. (Where appropriate, Tribal police or civil law enforcement is engaged). For large damages or dollar defaults, or more serious situations, the Regional Director is notified for guidance. In the most serious cases, BIA notifies the Department of Justice of criminally or monetarily significant lease violations. The process ends with one of three outcomes. Either the non-compliance issue is resolved (with reparations made, as appropriate) and a report of the non-compliance event is filed, the lease is cancelled for cause and performance bonds are withheld from the lessee and distributed to the beneficiaries, or serious criminal or civil suits are brought by the Department of Justice against the lessee.

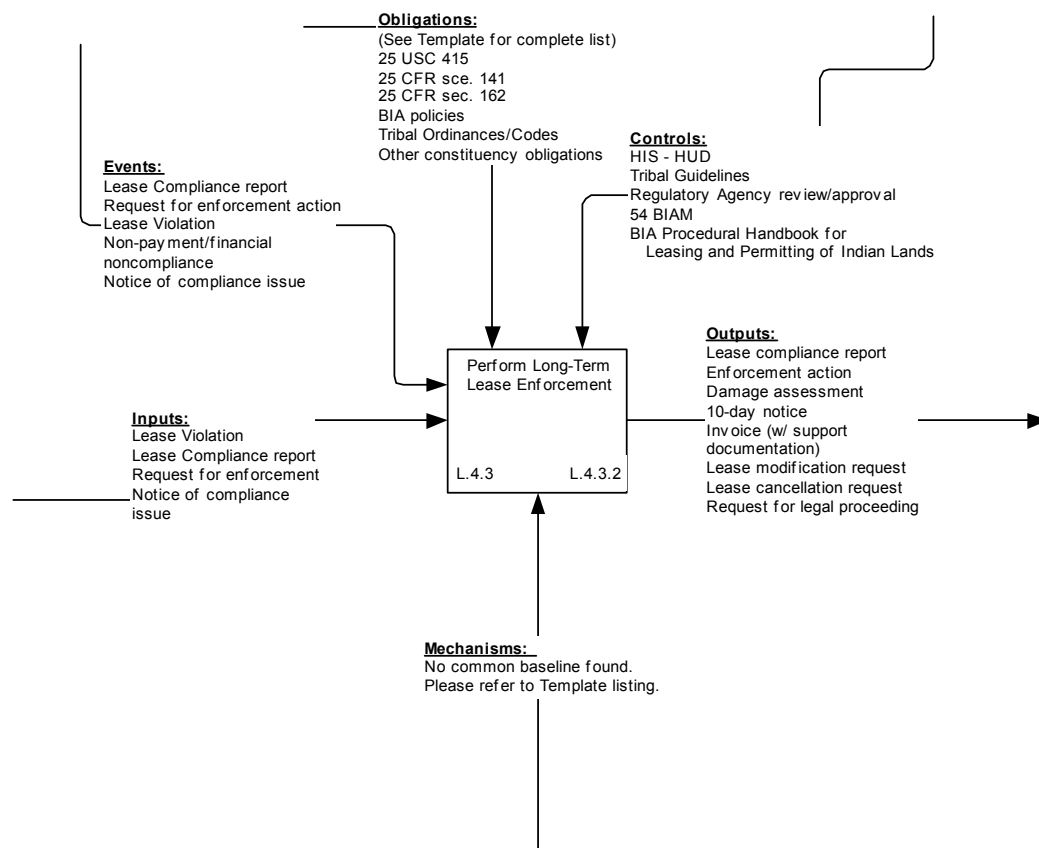


Figure 4.3.5- 21 Perform Long-Term Lease Enforcement IDEF(0)

Close Long-Term Lease (L.4.3.3)

Starts with: Reach the expiration date or cancel a long-term lease.

Ends with: Return performance bonds to the lessee or distribute bonds to the beneficiaries, as appropriate.

Closing of a long-term lease may begin once the long-term lease has reached its expiration date. Prior to lease expiration, the lessee or a beneficiary may request to terminate the long-term lease. The lessee may wish to disengage in the commercial enterprise or move from a residence. The beneficiaries may wish to disengage from the lease based upon unsatisfactory effort by the lessee to meet all of the terms of the long-term lease. Any cancellation for cause can be appealed to the BIA Regional Director. The process ends with a lease cancellation or the closing of a lease on its own terms. Monies are distributed to the beneficiaries as appropriate or to the lessee as defined by the lease terms.

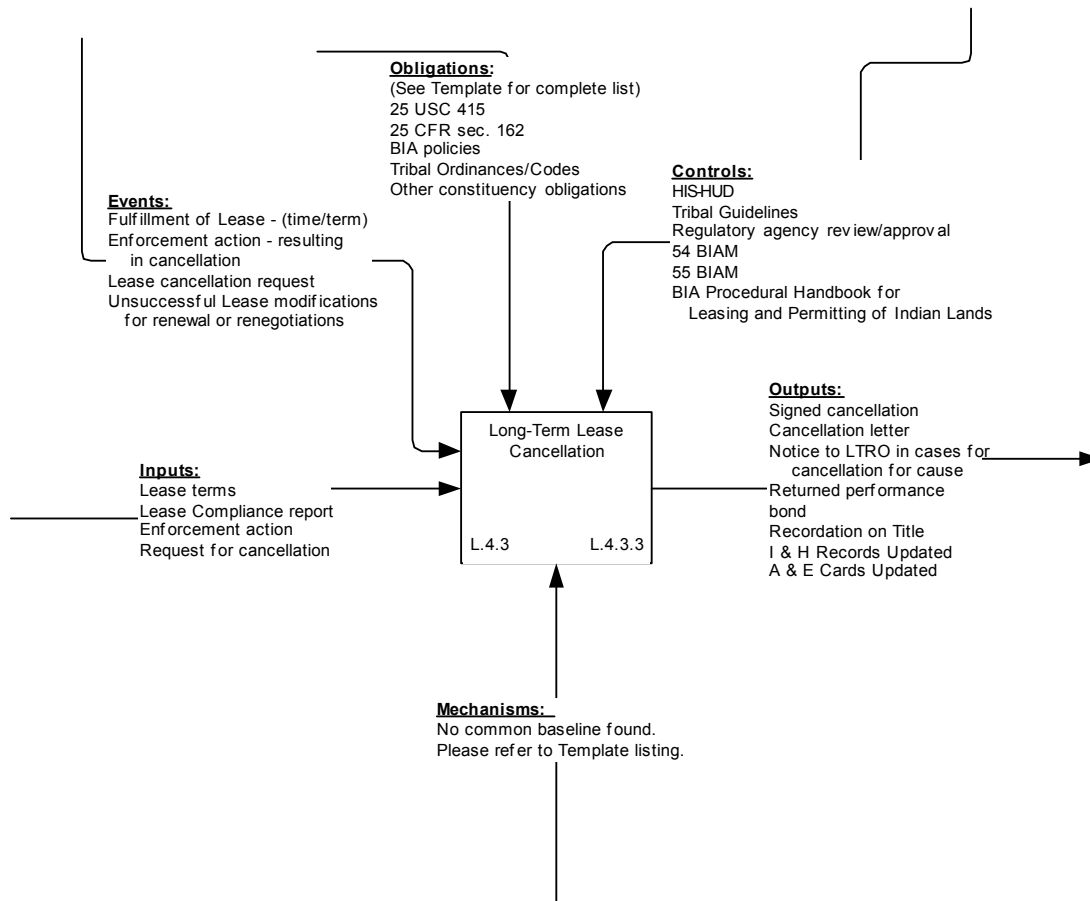


Figure 4.4.5.5- 22 Close Long-Term Lease IDEF(0)



Modify Long-Term Lease (L.4.3.4)

Starts with: Request to modify a long-term lease.

Ends with: Approve modifications of a long-term lease.

The process to modify a long-term lease begins with a request to change the Long-Term Lease or by the terms in the long-term lease requiring renewal or renegotiation of the said lease in a given period of time. Tribal process of modification may end with a modified contract countersigned by both contracting parties with no further activities required. However, the process may require the re-drafting of lease terms often in the form of an amendment to the lease or by a resolution passed. In addition, modifications to lease terms may spur the responsibilities of obtaining consent as well as initiation of the application process to ensure recordation and analysis of changes in Trust Land's use. Process may end with a lease cancellation in the event that the requested modification for land use has been/is determined to have a detrimental impact to the land or in the event that renegotiation is not successful. Various events may trigger the request to change a long-term lease. Examples include:

- a) Change to a rental rate
- b) Additions or deletions of land or property to the landowner/beneficiary
- c) Encumbrance name changes
- d) Marriage
- e) Matters of probate

Requests for the transfer of rights may occur in the form of an assignment to a third party. Lessees and landowners must provide consent of the assignment and other major modifications of the lease. In some cases, BIA administratively corrects minor errors in the original lease performing unilateral modification without further need of recordation. Tribes conduct their own realty operations under the Compacted/Contracted agreements with BIA. Tribes also initiate modifications to ensure that they reflect their own needs and desires for land use, and development and economical growth.

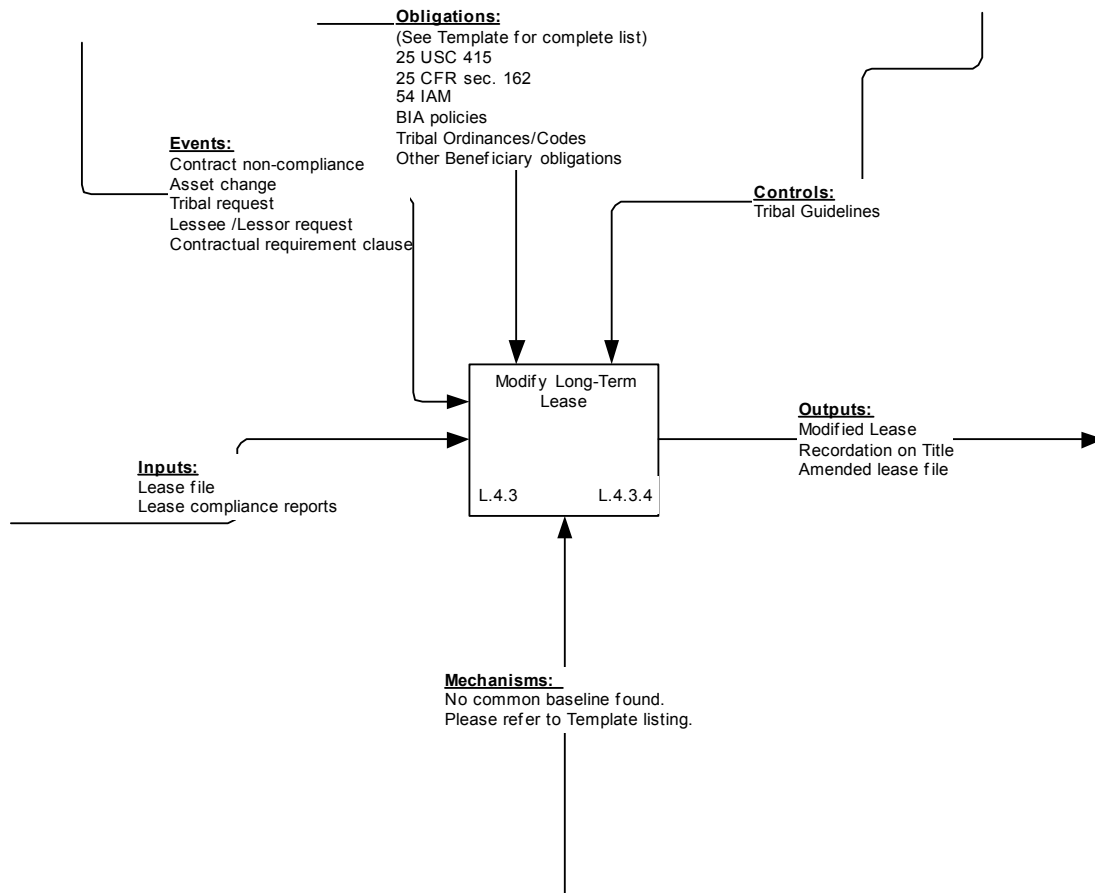


Figure 4.3.5.5- 23 Modify Long-Term Lease IDEF(0)



4.4.5.5.4 Long-Term Leasing Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.5.5- 1 Great Plains Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.5.5- 2 Midwest Region Long-Term Leasing Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Process Description	If Tribes decide to allow use of land without lease, the Tribe may negotiate an arrangement directly and select a land operator with no further documentation.	Procedural	Establishes situation in which Trust lands are offered for use without land use or consent officially documented; occurs 30% of time.	Medium	Minor
Menominee Indian Tribe of Wisconsin	Obligations	Menominee Restoration Act	Federal Law	Minimal	Low	Major
Great Lakes Agency	Process Description	Agency Reality Specialists assess lease opportunities and develop draft lease packages, which are made available to potential lessees and landowners.	Procedural	Enhances opportunity to lease Trust property.	Medium	Medium
Midwest Region	Process Description	Frequently long-term leases are appealed after award because owners were not properly notified	Procedural	May not be in compliance with regulations regarding obtaining consent for	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		for consent.		leasing Trust property.		

Table 4.3.5.5- 3 Eastern Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region	Process Description	If Tribes decide to allow use of land without lease, the Tribe may negotiate an arrangement directly and select a land operator with no further documentation.	Procedural	Establishes situation in which Trust lands are offered for use without land use or consent officially documented; occurs 30% of time.	Medium	Minor

Table 4.3.5.5- 4 Alaska Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Predecessors	Approximately 3-4,000 allottees do not have a Certificate of Allotment.	Federal Law	Delays assigning title for property to allottees, which can impact almost all Trust services	High	Major
Alaska Region	Process Description	Delivery of long-term leasing Trust services are impacted by geographical disparities and/or remote locations in the region, as well as weather/seasonal impacts on service delivery.	Geographical	Delays and encumbers BIA's ability to delivery of long-term leasing services.	High	Major
Alaska Region	Process	Most BIA agencies in Alaska do	Procedural	Creates a reactive tracking	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Description	not prepare annual invoices to bill for operational payments, but rather rely on payment terms included in the contract.		of revenue owed to beneficiaries. Decreases agency workload.		
Alaska Region	Process Description	In Direct Pay scenarios, Beneficiaries are responsible for collected funds due; many beneficiaries do not have copies of the terms or expected receivable amounts.	Procedural	Establishes scenarios whereby beneficiaries may not be receiving proper revenue amounts.	High	High
Alaska Region	Process Description	A simple majority is used to obtain consent for leases.	Procedural	May not be in compliance with ILCA consent regulations	High	Medium

Table 4.3.5.5- 5 Northwest Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region	Process Description	70-80% of leases are awarded based on majority ownership consent.	Procedural	May not be in compliance with regulations regarding obtaining consent.	High	Medium
Yakama Agency	Process Description	Agency makes a great effort to gain majority consent, which often requires repeated contact with owners and follow up where owners have not responded.	Procedural	May not be in compliance with regulations regarding obtaining consent. Agency staff feels effort is rewarded by better working relationship with the Tribe.	High	Medium
Fort Hall Agency	Process Description	No bidding is conducted for long-term leases due to distrust of the bidding process.	Procedural	Establishes an environment whereby the lack of competitive bidding may	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				decrease revenue on leases.		
Yakama Agency	Process Description	Agency does not collect bonds for long-term leases; generally the Tribe provides a waiver.	Procedural	Minimal	Low	Minor

Table 4.3.5.5- 6 Eastern Oklahoma Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.5.5- 7 Southern Plains Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Sac and Fox Nation of Oklahoma	Role	Tribe's Tax Department performs all leasing activities.	Organizational	Minimal	Low	Minor
Horton Field Office	Process Description	No operational payments are collected on long-term leases.	Procedural	May decrease total revenues produced on leases.	Low	Minor
Southern Plains Region	Process Description	No bidding process is conducted in the Region.	Procedural	Establishes an environment in which lack of competition may decrease revenue produced by leases.	Low	Minor
Southern Plains Region Horton Field Office Concho Field Office	Process Description	Do not record a majority of residential long-term leases on allotted lands.	Procedural	Does not provide proper encumbrances on title.	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Anadarko Agency Pawnee Agency Shawnee Field Office Alabama-Coushatta Tribe of Texas						
Southern Plains	Role	Surveys for commercial leases are usually provided by state licensed officials.	Procedural	May not be in compliance with direction to use BLM surveyors on Trust lands.	High	High
Southern Plains	Mechanism	Region uses a software package called Real Estate Module.	System	Enhances Region's ability to facilitate real estate transactions.	Medium	Medium

Table 4.3.5.5- 8 Rocky Mountain Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Fort Peck Agency Rocky Boy's Field Office	Process Description	Do not participate in Direct Pay scenarios for long-term leases.	Procedural	Minimal	Low	Minor
Fort Peck Agency	Process Description	HUD housing requires owners to have a lease; all other types of residences by owners do not require leases.	Procedural	Recordation of encumbrances on title is not conducted for owners.	Medium	Medium
Rocky Mountain Region	Process Description	No bidding is conducted on long-term leases.	Procedural	May not achieve most competitive lease payment terms.	Medium	Medium
Rocky Boy's Field Office	Process Description	No business leases have terms beyond a five-year period of performance.	Procedural	Ensures leases continue to provide fair market value; may make it difficult to attract commercial leases.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Fort Peck Agency	Process Description	Requires performance bond on residential leases.	Procedural	Enhances security regarding residential lease payments.	Medium	Low

Table 4.3.5.5- 9 Navajo Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Role	Regional Director performs Superintendent activities and signs off on all leases in the Navajo Region.	Absence of Superintendents	Creates strain and increased workload on regional administrative staff.	Medium	High
Navajo Nation	Input	All Tribal homesite assignments are required to have “meets and bounds” determined by a registered land surveyor to verify land suitability and asset availability.	Procedural	Ensures homesite assignments do not overlap one another. Increases wait times. Can elongate lease process times by six to nine months.	High	Medium
Navajo Nation	Input	Applicant must gain consent from current historical land user, grazing permittee and/or the grazing committee as required by the lease application package prior to the drafting of lease terms.	Tribal Ordinance	Establishes precedence of historical land use by individuals encumbering land. May halt leasing process in the event consent from the permittee/ committee is not obtained.	Medium	Medium
Navajo Nation	Input	Certificate of Indian Blood is required to determine use and applicant eligibility prior to the drafting of lease terms. CIB ID #s and Census # is included in	Tribal Policy	Determines land use eligibility by Quantum of Navajo Indian blood. Promotes exclusive Tribal member use of reservation	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the standard lease package.		lands.		

Table 4.3.5.5- 10 Southwest Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Ute Tribe	Role	In the event a Tribal member defaults on a HUD house, the Tribe will decide who will take over the house/loan, not HUD. The individual is selected from a qualified individual waiting list that the Tribe maintains.	Procedural	Policy/ Agreement between HUD program and Tribe. Enables Tribes to select land users of Tribal land assignments.	Low	Minor
Laguna Agency	Role Obligations	Allows for leasehold mortgages on Tribal land. Mortgage is approved by the Regional Director and forwarded to Title / LTRO/TSO for recordation of encumbrance.	Procedural	Encumbers trust lands. Tribal Resolution allowing encumbrances to be made on Tribal land by 3 rd party.	Low	Minor
Laguna Agency	Input	Requires no pre-lease payments on residential homesites.	Procedural	Shortens approval time. Alleviates resource initiatives for the billing and collection of administrative fees and token payments normally billed yet not collected.	Low	Minor
Southwest Region	Event	All commercial and residential leases on allotments are set up for Direct Pay to the landowner/beneficiary.	Policy	Decreases BIA resource involvement for the billing, collection and managed distribution of trust monies	High	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				through OST/OTFM.		

Table 4.3.5.5- 11 Western Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Colorado River Tribe Colorado River Agency	Input	Tribe generates monthly asset availability and upcoming renewal/expiration report from AS 400 System. Submits listing to agency for review.	Procedural	Minimizes idle lands with improvements that would generate trust dollars for the beneficiary.	Medium	Low
Colorado River Tribe Colorado River Agency	Mechanism	Shares AS 400 System mechanism. System is owned, developed and supported by the Tribe. Agency uses the same mechanism to manage Colorado River Tribe leases at the agency level.	System Constraint	Tribally developed software system adopted for the management of leases within the agency sustains the separation of system mechanisms. Hinders recordation of land use information systems at the LTRO/TSO level.	Medium	High
Pima Agency	Event Input	Requires lease applicant to contact Tribal lands department and submit a proposal for lease. Terms of lease are derived from the proposal.	Procedural	Enables Tribes to approve of lessee and land use parameters being requested prior to performing leasing initiatives.	Low	Minor
Pima Agency	Obligations	Uses the rules from the Act of 1940 to obtain consent from landowners. Agency generates 90-day consent notices. If no	Procedural	Conflicts with regulations regarding obtaining consent. Enables less wait time for the receipt of	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		consent is received the consent is deemed positive.		consent from landowners. Requires Superintendents to sign on behalf of absentee landowners. May negatively affect landowners that would not provide consent if properly notified. Ownership distribution information is often not current or unverifiable due to information systems being backlogged and out of date.		
Fort Yuma Agency	Role	Grants all leases in the absence of consent from the Tribe. Superintendent provides beneficiary approval without any type of Resolution enabling the practice.	Procedural	Places a large amount of responsibility and accountability on the part of the Superintendent to ensure that the beneficiaries needs and desires are being met.	High	Medium
Salt River Pima-Maricopa Indian Community	Obligations	25 USC Sec. 416 – Leases of trust or restricted lands on San Xavier and Salt River Pima Maricopa Indian Reservations.	Federal Law	Statute allows Indian owners to lease lands including the development or utilization of natural resource in connection with operations under such leases. Enables lease terms to not exceed duration of 99 years including renewal if exercised.	Low	High



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Chemehuevi Tribe	Output	Commercial lease terms are for only one year in duration. Ensures that the beneficiary obtains the optimal value of their asset in accordance with economic factors that are relevant to the duration and term of the lease.	Procedural	Ensures lease payments are continually in line with fair market value. Creates higher resource requirements to reinitiate the leasing process for every commercial leases anniversary date.	Medium	Minor
Colorado River Agency	Event	Performs negotiation of lease terms prior to the application process. Lessee meets directly with the beneficiary to express land use parameters and obtain consent prior to initialization of the application process.	Procedural	Enables beneficiary involvement in developing the lease and provides insight into the requested land use parameters. Ensures beneficiary involvement and knowledge of the land use is upfront and leasing initiatives are not performed in vain in the event the beneficiary is not in approval of the proposed land use.	Low	Minor
Pima Agency	Roles Office	Agency staff performs the negotiation of terms for all long-term commercial leases on Tribal land.	Tribal Request	Puts more responsibility on the realty officers at the agency.	Low	Minor
Western Region	Event	Does not require permits for commercial operations on allotted lands.	Regional Policy	Creates questionable land use information and the protection of trust lands from damage and degradation.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Salt River Pima Maricopa Indian Community	Role	Tribal President or Vice President signs off on drafted negotiated lease terms to award leases.	Procedural	Can lengthen process times awaiting review and approval by Tribal officers.	Low	Minor
Colorado River Agency	Role	Tribal Chairman and Secretary sign off on the drafted negotiated lease terms to award leases.	Procedural	Can lengthen process times awaiting review and approval by Tribal officers.	Low	Minor
Colorado River Agency	Event	Six months to one year prior to lease expiration, Agency realty office notifies lessee to renegotiate the current lease terms prior to expiration.	Procedural	Enables proactive planning of available leasing units. Alleviates resource heavy activities from occurring in a rushed manner at the point of lease cancellation. Assures continual justified incremental increases in lease payments.	Medium	Minor
Colorado River Agency	Input	All leases, commercial and residential, require some type of pre-lease advanced payment prior to DOI approval of lease.	Policy	Can lengthen process times from award to approval depending upon lessee's fulfillment of the pre-lease terms.	Medium	Medium
Colorado River Agency	Input Obligation	All commercial leases within agency require performance bonds to be posted prior to DOI approval.	Policy	Ensures fulfillment of lease terms by the lessee. Increases resource activity. Can lengthen or halt leasing process.	Medium	Medium
Fort Yuma Agency	Role Process Location	Performs all billing/collection of operational payments for commercial long-term leases on Tribal lands on behalf of the Tribe.	Procedural	Enables complete account management of trust funds collected on behalf of the beneficiary. Increases workload for resources responsible for the billing	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				collection process at the agency level.		
Colorado River Agency Fort Yuma Agency	Event	Modifies all long term leases on a five year basis for incremental increases in rental payments.	Policy	Policy provides economically supported increases in rental payments so that the trust lands generate optimal return for land use. Increases resource activities and initiatives for renegotiation/ redrafting of lease terms, reinstatement of performance bonds as well as administrative fees collected.	Medium	Low
Fort Yuma Agency	Event	Performs regular routine inspections of trust properties for all residential and commercial active long-term leases.	Procedural	Policy provides continual monitoring of compliance in relation to land use and compliance with lease terms. Requires costly resources. Protects trust lands under contract from damage and/or degradation of land assets by improper land use.	Medium	Medium



Table 4.3.5.5- 12 Pacific Region Long-Term Leasing Variance Table

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Palm Springs Field Office	Metric – Volume	High level of unsolicited commercial leases. Total number of current unsolicited commercial leases is 120.	Procedural	Due to high commercial leasing demands, the field office has not been required to perform advertising or conduction of bidding.	High	High
Central California Agency Northern California Field Office Southern California Agency Palm Springs Field Office	Input	Requires appraisals for all commercial leases. No appraisals are required or performed for homesite leases on Tribal or allotted land unless specifically requested by a beneficiary/landowner.	Procedural	Can negatively effect the achievement of fair market value for homesite leases with improvements on the land vs. initial homesite lease applications on lands with no improvements. Appraisals performed for homesite leases would be costly and increase lease processing wait times.	Medium	Medium
Southern California Agency Central California Agency	Event	Large volumes of leasing contracts are initiated by an individual trespassing on trust lands. Trespassing is common. BIA attempts to resolve the matter by entering into lease agreements with the trespasser for the legal use of the land.	Procedural	May impact the planning process by not knowing that idle lands are not available for use. Improper land use risks.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Palm Springs Field Office	Input Event	Lessees and landowners initiate leases in the form of proposals or pre-drafted lease terms. Attorneys acting on behalf of the lessee or the landowner draft 50% of all lease terms for lessees/lessor to present to the field office for review and finalization only. Often negotiation of the lease and lease terms has occurred prior to field office involvement.	Procedural	Landowners are aware that the land is valuable and consult with their attorneys to ensure optimal return on their land assets. Ensures that landowners'/ beneficiaries' interests are represented fully to obtain optimal compensation for their trust land assets.	High	High
Palm Springs Field Office	Metric - Volume	Approximately 10,000 mini lease assignments exist under approximately three sub-division master leases held by HUD.	Procedural	Increases administration of long-term leases.	Medium	Medium
Pacific Region	Input	Generates 90-day notices. Exercises consent based upon the fact that no objection was received.	Procedural	May not be in compliance with regulations regarding obtaining consent.	Medium	Medium
Pacific Region	Input	Owner consent is obtained prior to the application process.	Procedural	Eases resource intensive activities from being initiated in vain in the event consent is not obtained. The initiation of the application process can be costly and resource heavy.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Central California Agency Northern California Field Office	Input	Feasibility studies are conducted prior to obtaining owner consent.	Procedural	May increase costs due to the performance of feasibility studies on lands that may not be available for use due to inability to achieve owner consent. Consent wait times can be long. Sliding scale rules of obtaining consent based upon ILCA.	Medium	Low
Pacific Region	Event Role	Minimal BIA involvement in the negotiation of residential long-term leases. If negotiations are performed it is normally due to the absence of landowners only.	Procedural	Establishes the environment where negotiations are done outside of the BIA process; local market resources may be helpful in ensuring optimal return on trust land assets.	Medium	Medium
Central California Agency Southern California Agency	Input	No business license or permit is required for landowners/beneficiaries to conduct commercial business operations on allotted lands.	Procedural	Effects recordation of land use. Commercial business operations may have a negative impact on the land hindering BIA's responsibility to protect the trust land from damage and degradation.	Medium	Medium
Palm Springs Field Office	Input	Charges pre-lease administrative fees based upon updated Administrative Fee Schedules depending upon the type and location of the lease.	Procedural	Administrative fees charged cover the cost of leasing resources and activities required for the areas.	Low	Minor
Pacific Region	Role	Regional Director signs off on all	Regional	Lengthens DOI approval	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		commercial leases within the region, including Tribal leases.	Policy	process times. High volume of leases creates strain on regional administrative staff.		
Palm Springs Field Office	Input	Coupons are provided to the lessee upon approval of the lease. The lessee makes rental payments with the coupons provided and deposits them in lockboxes located throughout the field office's area.	Procedural	Allows for wide area rent collection. Removes the need of billing preparation for the collection of rental payments. Eases administrative staff resources from having to start/stop work efforts to process and write receipts for payments that trickle in.	Medium	Medium
Central California Agency Northern California Agency	Process Description	Has no Direct Pay scenarios on long-term commercial or residential leases.	Procedural	Increases workload at agencies. Reflects only 1% of commercial leases on Tribal lands in the region that are not direct pay to the Tribe.	Low	Minor
Pacific Region	Event	High volume of rental payment arrearages on commercial leases. Bankruptcy of commercial operations is very high.	Operational	Insufficient staff to manage the financial compliance of commercial lease operations. Makes it difficult to secure funds for the beneficiary in the event of bankruptcy.	High	High



4.3.5.6 Water Management (L.5)

The overall process starts with: Perform the budget planning cycle for the next fiscal year budget.

It ends with: Complete Water Management projects—or in the case of multi-year projects—expend fiscal year funding.

Water Management focuses on two simultaneous grant programs, collectively called the Water Management Grant Program, that fund water related activities. These programs, the Water Rights Litigation/Negotiation Program and the Water Resources Management Planning and Pre-Development Program, are administered by the BIA Office of Trust Responsibilities, and provide funding to support water-related projects managed by the BIA, Indian Tribes, and Alaskan Native governments. The water management grant program provides funding to help defend Indian water rights and to develop or enhance water resources.

Projects eligible for grant funding focus on technical projects directly related to managing, developing and conserving water resources. Examples of such projects include studies to determine surface and groundwater supplies, identify arable lands, and determine historical water use. Other studies may address trust resource requirements regarding fish, wildlife and other subsistence resources, or studies that determine the amount of water required for irrigated agriculture and the related engineering and economic studies for water delivery. In addition to these studies, other eligible projects include those that involve data collection and analysis for water use planning and development, especially when the development pertains to asserting a water right, solving a water shortage emergency, capitalizing on substantial economic gain, or is required to cooperate with a federal, state, or other local government on water use activities. Finally, projects may be considered that involve water related inventory activities that will assist Tribes in determining who is using water, how much water is being used, and for what purposes the water is used.

The grant process for the above mentioned programs involves four proposal or project management steps: (1) releasing the request for proposal, (2) developing, ranking and submitting proposals from the field to the BIA Central Office, (3) conducting the National Ranking Meeting and tentatively approving proposals for grant funds, and (4) funding and managing the approved projects.

The process begins when the BIA Central Office sends out a memorandum to BIA Regions, which functions as a Request for Proposals for water management grants for the following fiscal year. The memorandum also includes an Excel spreadsheet for ranking proposals against Official Ranking Criteria. The BIA Regional Offices forward the RFP under a cover letter with submission instructions and deadlines for Agency and/or Tribal submission to the Regional Water Resources Coordinator. The Agency water management staff then forward the RFP under Agency cover letter indicating instructions and submission deadlines to all Tribes under the Agency's jurisdiction.

Once all parties have been notified of proposal submission instructions, BIA staff often work with Tribes to develop proposals that competitively respond to the National Ranking Criteria for the next fiscal year. This step involves significant collaboration and coordination, often in a condensed timeframe. After proposal content has been finalized, the Agency or Regional water management staff develops information sheets and evaluation forms for each proposal. The



Regional Water Resources Coordinator provides a prioritized summary of the region's proposals and submits all documentation in a regional package to the BIA Central Office.

After the deadline for submission of all proposals to the BIA Central Office, the Chief of the Division of Natural Resources conducts a National Ranking Meeting to evaluate proposals for the following fiscal year funding. BIA Regional Water Resources Coordinators and their alternates attend the national meeting to provide insights and explanations of the Region's package of proposals. At the conclusion of the three-day meeting, each BIA Region understands which of their proposals are tentatively approved, and for what targeted dollar amount. Often the dollar amount tentatively approved is less than the requested amount for a given proposal.

The last step of the grant process is the actual funding and management of water projects. This step officially begins when the Chief, Division of Natural Resources, sends sub-allocation documents to the Regions or the Office of Self-Governance. Each BIA Region then notifies their Agencies and Self-Governance Tribes of project funding. Agencies notify the direct-service and contracting Tribes within their jurisdiction. BIA Agencies and Tribes may have to modify the scope of the submitted proposal based on decreased allocated funding for the project. Water management projects are then executed, often with oversight and technical support from the BIA Regional Office Water Resources Coordinator. The process ends when Water Management projects are completed—or in the case of multi-year projects—fiscal year funding is expended.

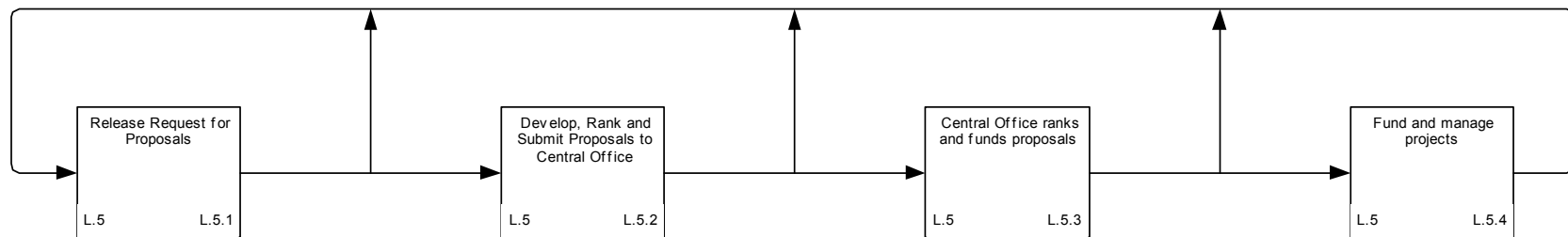


Figure 4.3.5.6- 1 Water Management IDEF (3)



Beneficiary Involvement for Water Management

The Water Rights Litigation/Negotiation and the Water Resources Management Planning and Pre-Development Programs grant process involves beneficiaries in two ways. Any beneficiary whose land interests might require program projects are invited to submit proposals for grants. Normally, Tribes are extensively involved in developing such proposals. In addition, beneficiaries, if applicable projects are funded, can undertake and/or subcontract and oversee water management projects involving their land or water rights. Many Tribes have contracted or compacted the water management process, and Tribes may apply for contracts upon project funding. Tribes are then responsible for modifying the project scope of work (if actual allocated funds are less than the originally requested amounts), performing all activities associated with the project, providing management reports as appropriate, and developing the project deliverable(s).

Water Management Significant Notes

The programs associated with this process are centrally mandated and controlled. All BIA Regions participate in the process, following the instructions provided by the BIA Central Office each year. The following notes add insight into certain regional or local participation in the grant process.

- a) In most BIA Regions, water management projects are executed by the Tribes through contracts, with limited BIA oversight or involvement. The annual audit report for contracting Tribes provides limited insight.
- b) Tribes with means often fund or contribute funding to water management projects.
- c) Tribes are competing for limited funds. Estimates indicate that the total grant dollars requested are two to three times greater than the total grant dollars allocated each year.
- d) The Endangered Species Act and requirements for regulatory agency concurrence or approvals complicate water rights issues.
- e) The official national ranking criteria does not always equate to the priorities of a Region.
- f) The majority of grant proposals are to support water rights, focusing on case preparation or litigation. Occasionally, water management projects are required by litigation.
- g) Projects are funded on an annual basis, however, many are multiple year projects. Often, single or 2-year projects may become multi-year projects due to decreased funds provided annually.

4.3.5.6.1 Release Request for Proposals (L.5.1)

Starts with: Begin the budget planning cycle for next fiscal year.

Ends with: Receive a copy of the RFP for grants associated with the Office of Trust Responsibilities' Water Rights Litigation/Negotiation and Water Resources Management Planning & Pre-Development programs in the Regions, Agencies and Tribes

The entire water management grant process begins when the budget planning cycle is performed for the next Fiscal Year budget. BIA Central Office sends out a memorandum detailing the Water Rights Litigation/Negotiation and Water Resources Management, Planning and Pre-Development program, the target fiscal year's Official Ranking Criteria, and instructions and deadlines for proposal submission. This memorandum functions as the Request for Proposals communication from the BIA Central Office to the BIA Regional Directors. Regional Directors then develop a regional cover letter for transmission of the RFP to BIA Agencies and Self-Governance Tribes. In turn, BIA Agencies forward the RFP under Agency cover letter to all Tribes within each Agency's jurisdiction. The first step ends when the BIA Regions, BIA Agencies and Tribes have received a copy of the RFP with internal deadlines for proposal submission either to the BIA Agency or Regional Office.

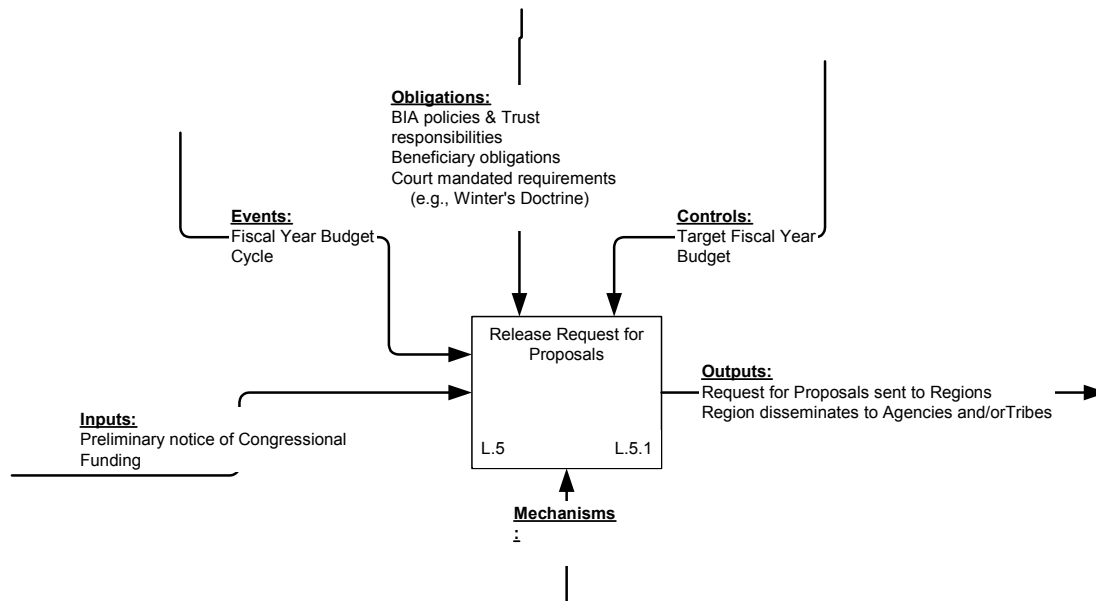


Figure 4.3.5.6- 2 Release Request for Proposals IDEF (0)



4.4.5.6.2 Develop, Rank and Submit Proposals to Central Office (L.5.2)

Starts with: Begin to develop water management proposals.

Ends with: Submit the Regionally-ranked list to BIA Central Office, based on the National Ranking Criteria.

The second major step of this process is to develop, rank and submit proposals from Tribes and BIA Agencies to the BIA Regional Office, and ultimately to the BIA Central Office. This step involves significant education and coordination with the BIA Agencies and Tribes in order to prepare a set of competitive and compliant proposals from the BIA Region.

Eligible projects include technical projects directly related to managing, developing and conserving water resources (e.g., studies to determine surface and groundwater supplies; identify arable lands, determine historical water use; address trust resource requirements regarding fish, wildlife and other subsistence resources; and determine the amount of water required for irrigated agriculture and the related engineering and economic studies for water delivery). Other eligible projects include those that involve data collection and analysis for water use planning and development, especially when the development pertains to asserting a water right, solving a water shortage emergency, substantial economic gain, or is required to cooperate with a federal, state, or other local government on water use activities. Finally, projects may be considered that involve water related inventory activities that will assist Tribes in determining who is using water, how much is being used, and for what purposes the water is used.

After draft proposals have been developed, the BIA Agency or Regional staff work with Tribes to ensure compliance with submittal instructions, as well as competitiveness against the Official Ranking Criteria. BIA Agency water staff forward the proposals to the BIA Region for review, evaluation, and ranking of all the region's proposals. BIA regional water staff develops proposal Information Sheets and Funding Request Evaluation forms for each proposal. Regional Water Resources Coordinators review, evaluate, rank and recommend proposals based on the Official Ranking Criteria developed by the BIA Central Office. Finally, the Regional Water Resources Coordinator prepares a prioritized summary listing of all regional proposals and submits the proposal package to the BIA Central Office.

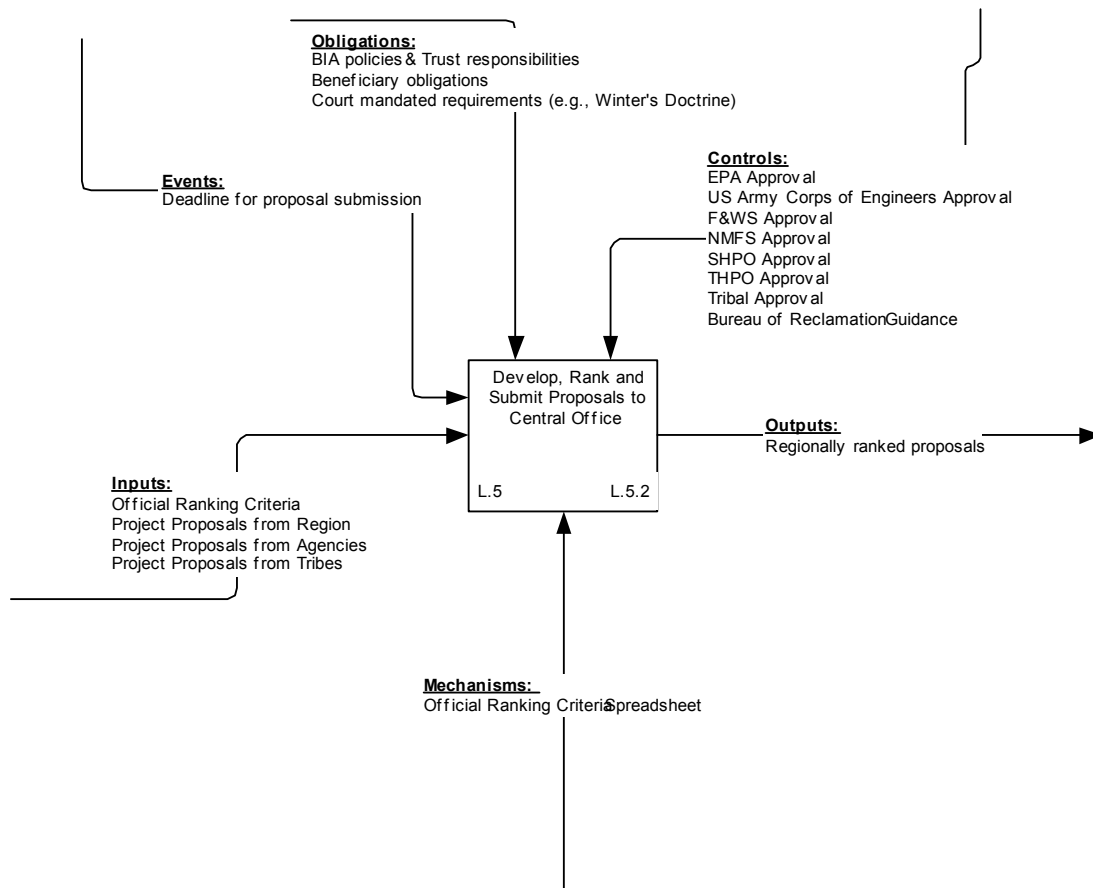


Figure 4.3.5.6- 3 Develop, Rank and Submit Proposal to Central Office IDEF (0)

4.4.5.6.3 Central Office Holds National Ranking Meeting (L.5.3)

Starts with: Receive project proposals from the Regions.

Ends with: Provide tentative approvals for projects and provides funding estimates for those tentatively approved projects.

The BIA Central Office then conducts a National Ranking Meeting to discuss each of the submitted proposals. Each Regional Water Resources Coordinator presents their Region's proposal package and supporting information to explain the current situation and need. This presentation and subsequent discussion gives the BIA staff an opportunity to solicit regional funding while engaging in dialogue about the merits of each proposal as evaluated against the other Regions according to national priorities.

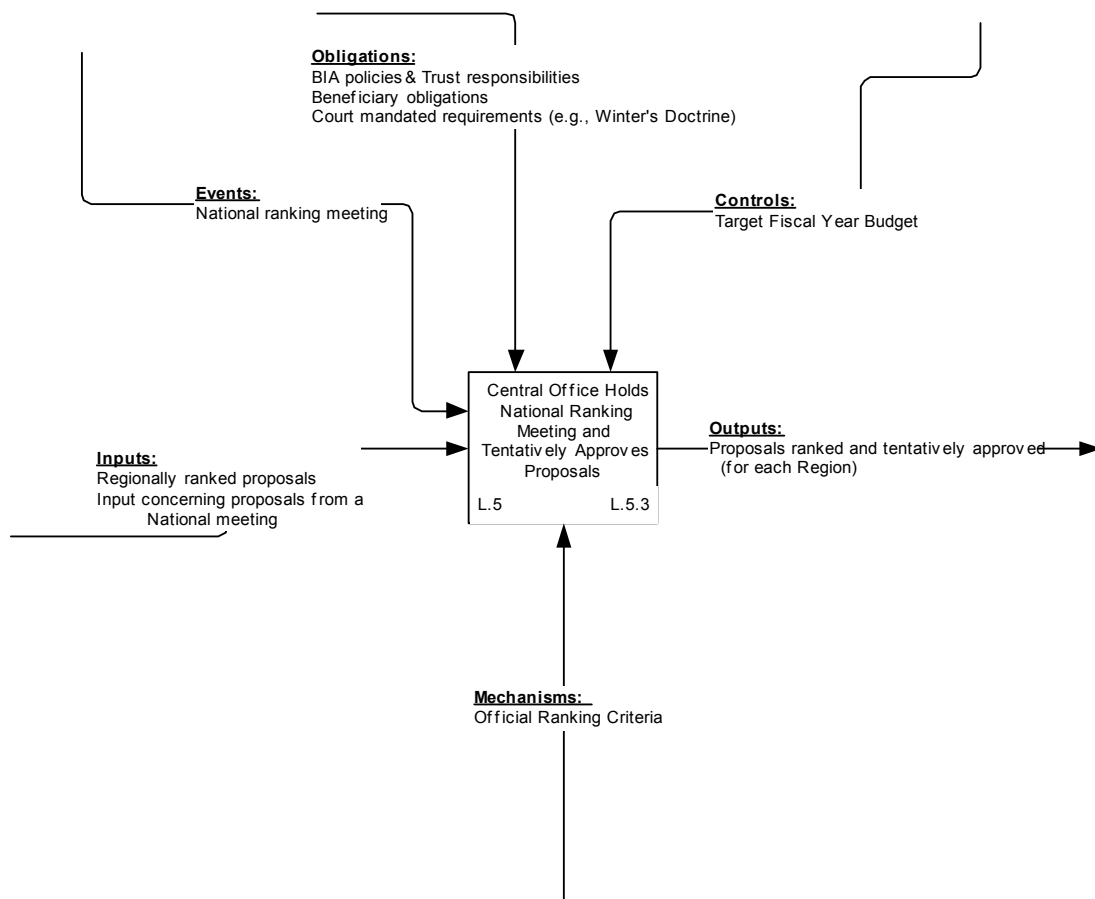


Figure 4.3.5.6- 4 Central Office Holds National Ranking Meeting and Tentatively Approves Proposals IDEF (0)

4.4.5.6.4 Fund and Manage Projects (L.5.4)

Starts with: Send sub-allocation documents to the Regions (or Self-Governance).

Ends with: Complete Water Management Projects—or in the case of multi-year projects—expend fiscal year funding.

The BIA Regional and/or Agency water management staff works with appropriate Tribes to accomplish funded projects. Tribes can oversee, undertake and/or subcontract these water management projects. Many Tribes have contracted or compacted the water management process. Tribes are then responsible for modifying the project scope of work (if actual allocated funds are less than the originally requested amounts), performing all activities associated with the project, providing management reports as appropriate, and developing the project deliverable(s). BIA or Tribal staff may provide technical assistance and/or project oversight.

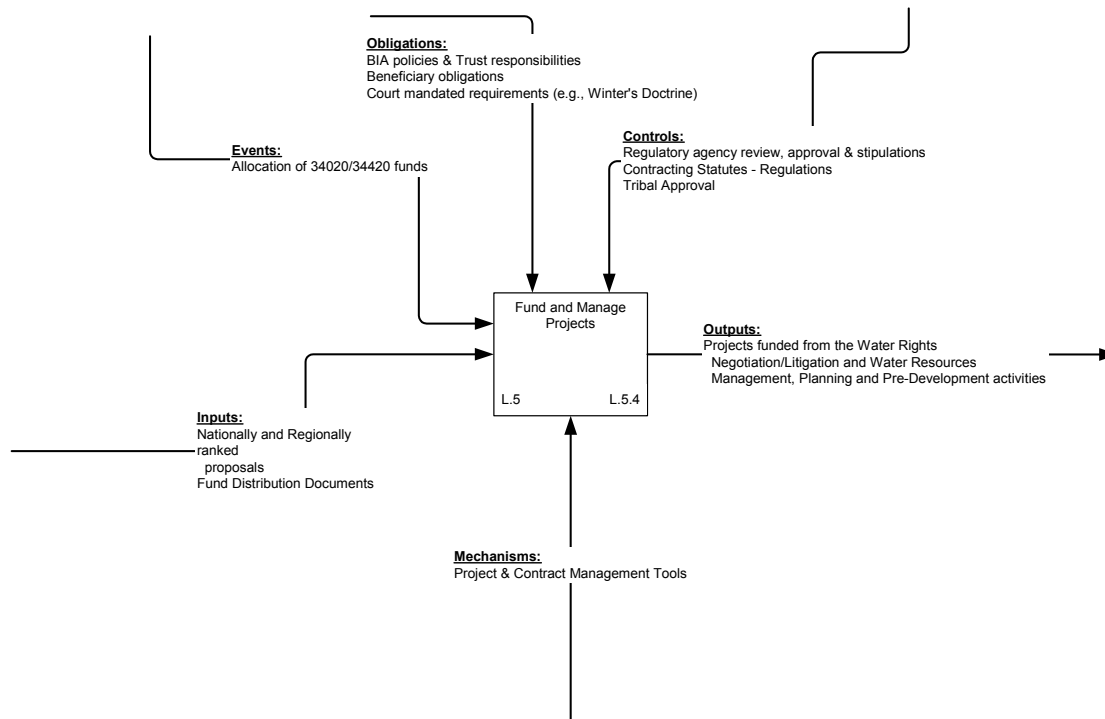


Figure 4.3.5.6- 5 Fund and Manage Projects IDEF (0)



4.3.5.6.5 Water Management Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.5.6- 1 Great Plains Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
No Water Management work sessions related to water grant funding conducted in this region.						

Table 4.3.5.6- 2 Midwest Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
No Water Management work sessions related to water grant funding conducted in this region.						



Table 4.3.5.6- 3 Eastern Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
No Water Management work sessions related to water grant funding conducted in this region.						

Table 4.3.5.6- 4 Alaska Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
No Water Management work sessions related to water grant funding conducted in this region.						

Table 4.3.5.6- 5 Northwest Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
No Water Management work sessions related to water grant funding conducted in this region.						



Table 4.3.5.6- 6 Eastern Oklahoma Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Process Description	Eastern Oklahoma Region does not have any water litigation or adjudication projects.	Procedural	Decreases water management workload.	Medium	Minor
Eastern Oklahoma Region	Controls	No BIA oversight is provided during the course of any water management projects.	Staffing	Decreases BIA control over execution of water management projects.	Medium	Medium
Chocktow Tribe Chickasa Tribe Delaware Tribe	Process Description	Tribes fund or contribute funding to water management projects.	Procedural	Enhances each Tribe's ability to management water rights and pre-development.	High	Minor

Table 4.3.5.6- 7 Southern Plains Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.5.6- 8 Rocky Mountain Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Role	Regional Water Resources staff briefs Tribes on national ranking	Procedural	Enhances proposal content and allows Tribes to pursue	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		criteria as well as the USGS cost-sharing program.		other avenues of funding for water management projects.		
Rocky Mountain Region	Role	Agencies do not have Water Resources Coordinators; the role is performed by the Superintendent or Awarding Official.	Organizational	Adds workload to Superintendents, may increase duration of proposal development.	Medium	Medium
Rocky Mountain Region	Organization Role Inputs	Agencies do not submit their own grant proposals.	Procedural	Limits the number of proposals submitted from the region.	Low	Minor
Rocky Mountain Region	Organization	Tribes submit proposals to their respective BIA agencies and do not submit proposals to the Regional Office.	Procedural	Minimal	Low	Minor
Rocky Mountain Region	Controls	Rocky Mountain regional projects are generally for planning and pre-development, and do not require permits or opinions from environmental regulatory agencies.	Procedural	Decreases workload and proposal development duration.	Medium	Minor
Rocky Mountain Region	Role	The regional water management staff is working with the Compacted/Contracting Tribes to build relationships, provide technical assistance and obtain an annual status report on progress	Procedural	Improves collaboration between BIA and the Tribes.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		and issues for all water management projects.				
Rocky Mountain Region	Locations	All local BIA Agencies have Contracting Authority. The regional staff has no real authority for project oversight. The only insight gained by the region is the annual audit report for Compacted/Contracting Tribes.	Organizational	Increases oversight responsibilities at the BIA Agency level	Low	Minor

Table 4.3.5.6- 9 Navajo Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Organization Role Process Locations Inputs Outputs	Agencies are not involved in the water management grant process.	Organizational	Increases oversight responsibility at the BIA Regional level.	Low	Minor
Navajo Region	Organization Role Process Locations	USGS submits some proposals on behalf of the Hopi and Navajo Tribes regarding Black Mesa Studies.	Procedural	Enhances Hopi and Navajo Tribes' ability to obtain water management funding.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Inputs Comments					
Navajo Nation	Organization Role	Tribal involvement in water management projects includes coordination with the Federal Water Task Force.	Workload	Enhances Tribal understanding of federal water management issues; increases workload.	Low	Minor
Navajo Nation	Organization Role	Rights Protection Section Chief/ Hydrologist is the Water Resources Coordinator	Organizational	Minimal	Low	Medium

Table 4.3.5.6- 10 Southwest Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southwest Region	Organization Role Process Locations Inputs Outputs	The regional agreement for water management is to work through the BIA Regional Office rather than the agencies. Agencies are not involved in the water management grant process.	Procedural	Increases workload at the regional level; may extend the duration of proposal development or be an inconvenience to certain Tribes.	Low	Minor
Southwest Region	Role	The Southwest Region does not have a Natural Resources or Land Operations Officer, so the Trust Resources and Protection	Procedural	Minimal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Manager ("Trust Officer") perform those functions.				
Southwest Region	Process Description	Most work is related to water rights. Even "planning" proposals are driven by litigation. There have been two planning proposals in the last few years, but they were related to litigation, either directly or in preparation for litigation. However, Tribal proposals have dealt with planning projects (e.g., drought relief planning).	Procedural	Emphasizes the water rights litigation aspect of water management rather than positive water resource development activities.	High	Major
Southwest Region	Inputs	The New Mexico Office of State Engineers provides state engineering input regarding water management projects within the state.	Procedural	Increases necessary collaboration of water management projects.	Low	Medium

Table 4.3.5.6- 11 Western Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Region	Organization Role Process	Regional staff work strictly through the BIA Agencies, and do not communicate directly with Tribes on the water management	Procedural	May increase proposal development duration.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Location	grant process.				
Western Nevada Agency	Role	The Western Nevada Agency Fisheries Biologist performs the role of the agency Water Resources Coordinator. At all other BIA Agencies within the region the Natural Resources Officer performs the role.	Procedural	Minimal	Low	Minor
Western Nevada Agency	Organization Role Process Locations	Only the Western Nevada Agency submits a proposal (which is for office funding). No other Agency submits a proposal.	Procedural	Minimal	Low	Minor
Western Region	Role	Ten Tribal Coalitions also submit proposals for water management grants.	Workload	Increases necessary collaboration between BIA water management staff and Tribes.	Low	Medium
Western Region	Role	In the Western Region the Water Rights Specialist performs the functions of the Regional Water Resources Coordinator.	Procedural	Minimal	Low	Minor
Western Region	Controls	Western regional projects do not require permits or opinions from environmental regulatory or historical preservation agencies.	Workload	Decreases amount of collaboration necessary to execute water management projects.	Medium	Medium
Western Region	Process Description	Sometimes water management projects are “decreed” [by litigation] and must be	Case Law	Increases number of water management projects and	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		administered by the BIA water management staff.		associated level of effort.		
Western Region	Process Description	Projects are funded on a fiscal year basis, but most water management projects are two years in duration.	Procedural	Establishes projects that may not get necessary funding to be completed.	High	Major

Table 4.3.5.6- 12 Pacific Region Water Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Central California Agency	Role	The Natural Resources Officer performs the role of agency Water Staff.	Procedural	Minimal	Low	Minor
Southern California Agency	Role	The Hydrologist performs the role of the agency Water Staff.	Procedural	Minimal	Low	Minor
Pacific Region	Locations Role	BIA Agencies develop Issue Papers for water management grant proposals.	Procedural	Enhances proposal packages submitted and may improve chance of getting proposals funded.	Medium	Minor
Northern California Agency	Organization Role	BIA provides no oversight after award of funding due to limited staff.	Staffing	Decreases BIA staff's ability to contribute to ongoing water management projects.	Medium	High



4.3.6 Subsurface Asset Management (U)

4.3.6.1 Subsurface Asset Management Summary Process Description

The overall process starts with: Nominate a tract(s) of Trust land for mineral leasing or presentation of a negotiated Indian Mineral Development Agreement (IMDA) for Tribal Trust land mineral leasing. Additionally, the process may start with the approval of a DOI budget line item for Trust mineral needs assessment grants.

It ends with: Accept the reclamation effort and Final On-Site Inspection Report by the BIA Agency Superintendent and release of associated bond(s) if they are lease specific.

Subsurface asset management includes management of all Trust minerals, fluid or solid, recoverable through drilling, underground mining or surface mining. The primary Trust fluid minerals are oil and gas, while the primary Trust solid minerals are coal, sand and gravel. A complete list of Trust mineral commodities ranges from building stone to uranium and from platinum to mud. Not included in the list of Trust minerals are tailings, chat and mine spoils, i.e., materials separated from the mineral and left behind or relocated.

Sub-processes in the subsurface asset management process include activities necessary for establishment of mineral leases, monitoring approved leases, approving and maintaining operations, directing rents and royalties to the proper beneficiaries, and reclamation of leased tracts. Also included in the process are activities associated with the BIA Division of Energy and Mineral Resources (DEMR) mineral needs assessment grants program for Trust lands. The overall process begins with four Trust Mineral Lease Initiation sub-processes. Once a lease has been approved, the path through the overall process depends on whether the mineral is a solid or fluid. The fluid minerals lease sub-process is further divided into Fluid Minerals Lease Management and Fluid Minerals Revenue Management. Similarly, the solid minerals lease sub-process is divided into Solid Minerals Lease Management and Solid Minerals Revenue Management. Regardless of whether the mineral is fluid or solid the final two sub-processes of the overall process are Cessation of Mineral Lease and Bond Management. These last two sub-processes address the orderly close of a Trust mineral lease. The Fluid Minerals Lease Management, Fluid Minerals Revenue Management, Solid Minerals Lease Management, and Solid Minerals Revenue Management sub-processes are further broken down into a total of 15 sub-processes. Each of these sub-processes is described in this section and their corresponding IDEF (0) diagram is also presented.

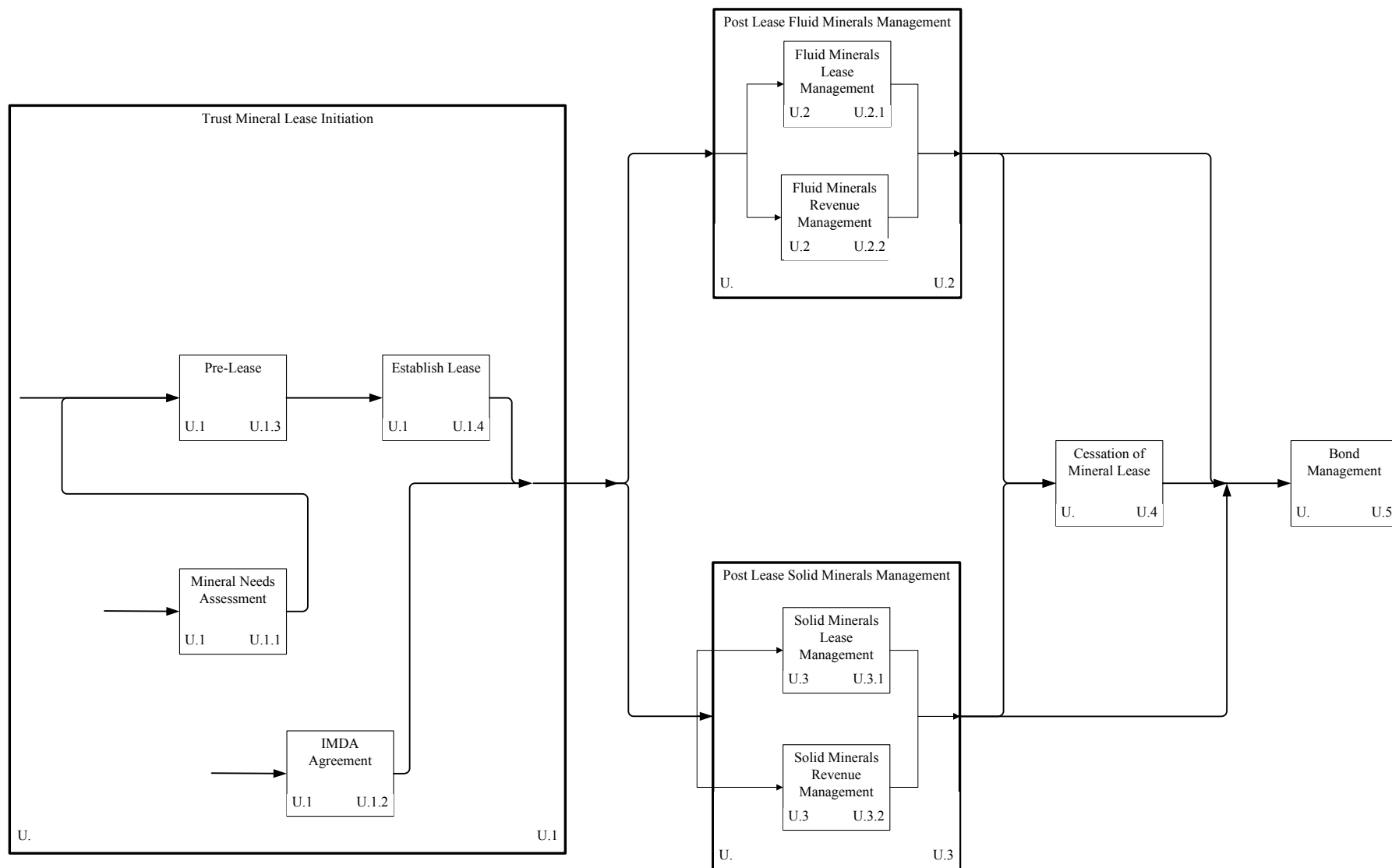


Figure 4.3.6- 1 Subsurface Asset Management Diagram



Subsurface Asset Management Objectives

Trust beneficiaries are entitled, by law, to establish revenue generating leases and permits for their Trust mineral assets. The objective of the subsurface asset management process is to provide the Trust beneficiaries with equitable and legitimate mineral leases that maximize revenue, protect the Indian Mineral Owner's (IMOs) assets, and conform to all applicable statutes, regulations, and case law. To achieve this objective the subsurface asset management activities span several Department of the Interior bureaus; interfaces with other federal departments, state agencies and commissions, and Tribal entities; and includes consultations with allottees and Tribes.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to subsurface asset management are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

Objective 1.1 Beneficiary Statements

Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.3 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.

c) Strategic Goal 3 - Land and Natural Resource Assets

Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.

Objective 3.1 Land and Natural Resource Asset Plans and Stewardship Strategies

Develop land and natural resource asset plans and stewardship strategies.

Objective 3.2 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 beneficiary's intended use of the assets.

Objective 3.3 Land and Natural Resource Asset Business Management

Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries, as required, and to incorporate beneficiary requirements.

Objective 3.4 Appraisals

Obtain appraisal information, as necessary, on Trust and restricted lands for Tribal and individual Indian owners, using methods and techniques that meet professional standards.

d) Strategic Goal 4 - Trust Fund Assets



Manage Trust fund assets consistently with legal and fiduciary responsibilities ensuring timely and productive use of the assets.

Objective 4.2 Collection, Disbursement, and Accounting of Funds

Manage and invest fund assets to provide prudent rates of return, while considering the best interests of individual beneficiaries and Tribes.

e) Strategic Goal 5 - Indian Self-Governance and Self-Determination

Encourage and support compact and contract opportunities associated with Trust management to promote Indian self-governance and self-determination.

Objective 5.3 Cooperative Audit Agreements

Increase the number of Tribes that participate in cooperative audit programs for oil and gas leases.

f) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI Trust management responsibilities.

Objective 6.2 Accounting

Develop and maintain accounting activities that are user friendly, integrated, provide necessary functionality, and contain appropriate interfaces to support effective and efficient Trust management.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.6.2 Trust Mineral Lease Initiation (U.1)

Starts with: Nominate a tract(s) of Trust land for mineral leasing or presentation of a negotiated IMDA Agreement for Tribal Trust land mineral leasing. Additionally, the process may start with the approval of a DOI budget line item for Trust mineral needs assessment grants.

Ends with: Approve a lease or termination of the leasing effort.

The four Trust Mineral Lease Initiation sub-processes are Mineral Needs Assessment, Indian Mineral Development Act (IMDA) Agreements, Pre-Lease, and Establish Lease. These initiating sub-processes contain all the various activities through which a mineral lease can be setup and approved.

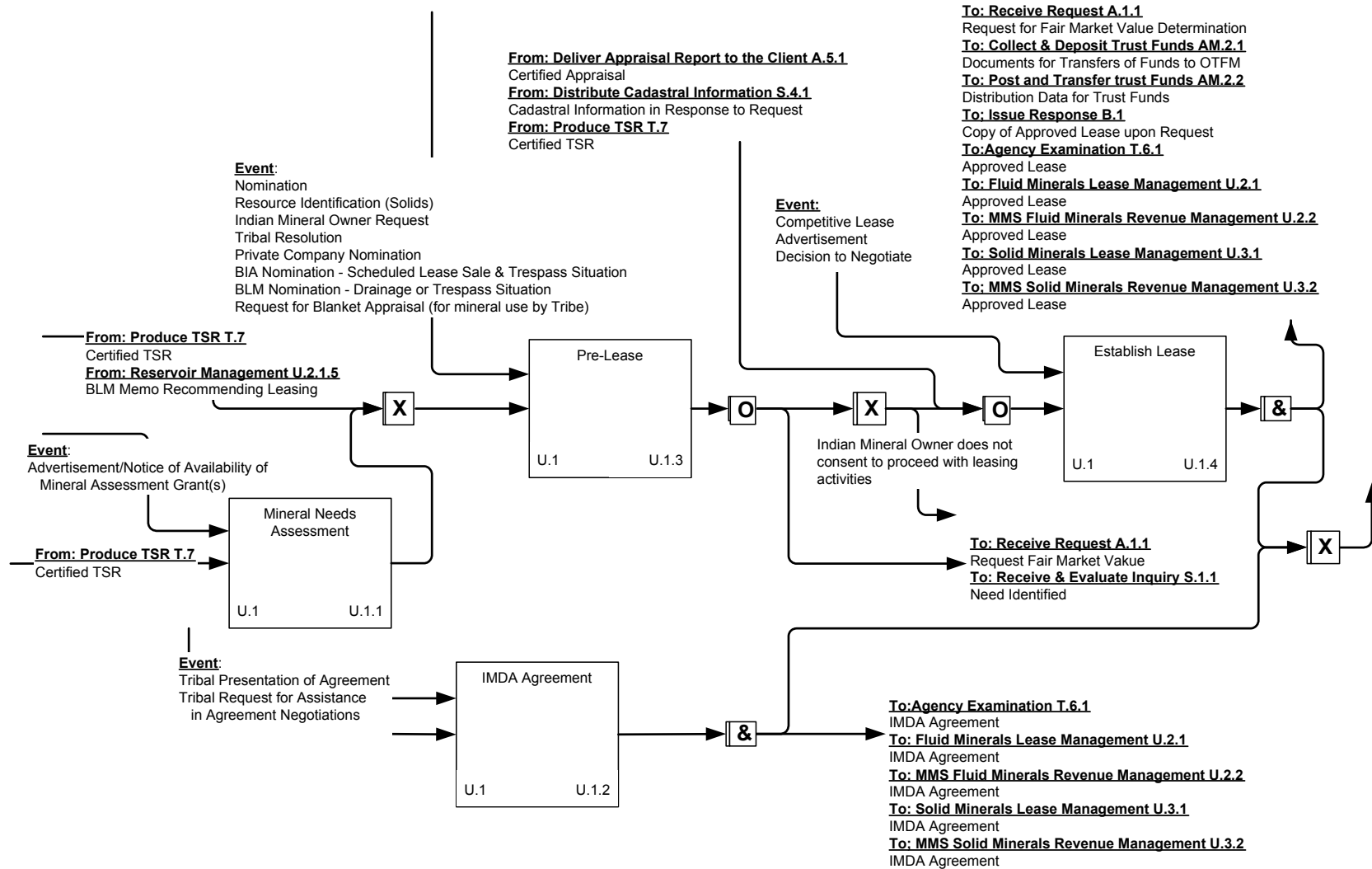


Figure 4.3.6- 2 Trust Mineral Lease Initiation IDEF (3)



Beneficiary Involvement for Trust Mineral Lease Initiation

Every Tribe has an annual opportunity to apply for a DEMR Mineral Needs Assessment grant to conduct an evaluation of potential Trust mineral assets. Also, under the terms of the Indian Minerals Development Act (IMDA) of 1982 Tribes may negotiate an IMDA Agreement without DOI involvement but are required to present the Agreement to the BIA for approval. IMDA Agreements may be structured to include the Tribe as a partner in a joint venture or as an Agreement with a Tribal company. Tribes may also request that specific tract(s) be included in lease sale advertisements and must consent to lease sale advertisements of Tribal tracts nominated by others. In all cases of Tribal tract mineral leases the Tribe must approve the final lease document.

Allottees participate in the lease initiation process through the lease sale and/or negotiation process and may be included in an IMDA Agreement if the Tribe approves of their participation. In all cases of allotted tract mineral leases the allottee must consent to or sign the final lease document.

Trust Mineral Lease Initiation Significant Notes

- a) There are instances where individual Tribes have taken the position that they have the ability (right) to lease and manage their own sand and gravel surface mining operations without involving BIA or BLM. They do this through Tribally owned businesses, joint ventures, or leasing to non-Indian organizations. Consequently, and contrary to regulations and BIA policy, there is:
 - 1. no BIA approval of the lease
 - 2. no appraisal
 - 3. no Trust accounting
 - 4. no BLM production and verification
 - 5. there may or may not be adequate site reclamation
 - 6. environmental and cultural Acts may be bypassed
 - 7. no recordation of the encumbrance on the title
- b) During the last Congressional session legislation was introduced that would have effectively negated the Stigler Act of 1947 Section 11, related to the Five Civilized Tribes of Oklahoma. The legislation passed the House (HR2880) and would have placed the Five Civilized Tribes of Oklahoma under the same legislation that applies to the majority of Indian allotments. The House passed version of the legislation was not retroactive. The legislation was not acted on by the Senate.
- c) There is a point of discussion between BIA Agencies and BLM Field Offices related to when NEPA documents are developed, to what extent they are developed, and by whom they are to be developed. However, if development of NEPA documentation is postponed until after lease award, then the entire NEPA document development and review, if appropriate, must be completed prior to approval of the lease and commencement of production. The later the NEPA documents are completed, the greater the risk for both the allottee and lessee that mitigation requirements that change the economic value of the lease may not be enforceable. Also, the timing of NEPA document development has budgetary impacts on both BIA and BLM since Pre-Lease NEPA activities are the responsibility of BIA and Post-Lease NEPA activities are the responsibility of BLM.



Trust Mineral Lease Initiation Detail Description

Mineral Needs Assessment (U.1.1)

Starts with: Approve a DOI budget line item for funding by Congress and DOI Executive.
Ends with: Submit final grant report regarding the Trust mineral assets.

The mineral needs assessment process is a separately funded activity that starts with Congressional and Executive approval of a DOI budget line item for funding and concludes with final grant reports regarding the Trust mineral assets. The process involves a competitive grant offered by the BIA Division of Energy and Mineral Resources (DEMR) and is limited by the level of funding available for a single fiscal year.

Upon confirmation of budget availability DEMR sends a notice to every Tribe and BIA Region announcing the availability of grants and the due date for proposals. As proposals are developed they are forwarded through the BIA from the Agency to the Region and then to DEMR for review, evaluation, and final action. As part of the evaluation DEMR empanels a committee of DOI staff (not all from BIA) who review and rank the proposals. Based on its own economic analysis and the committee review comments and ranking, DEMR awards grants to the limit of their available funds.

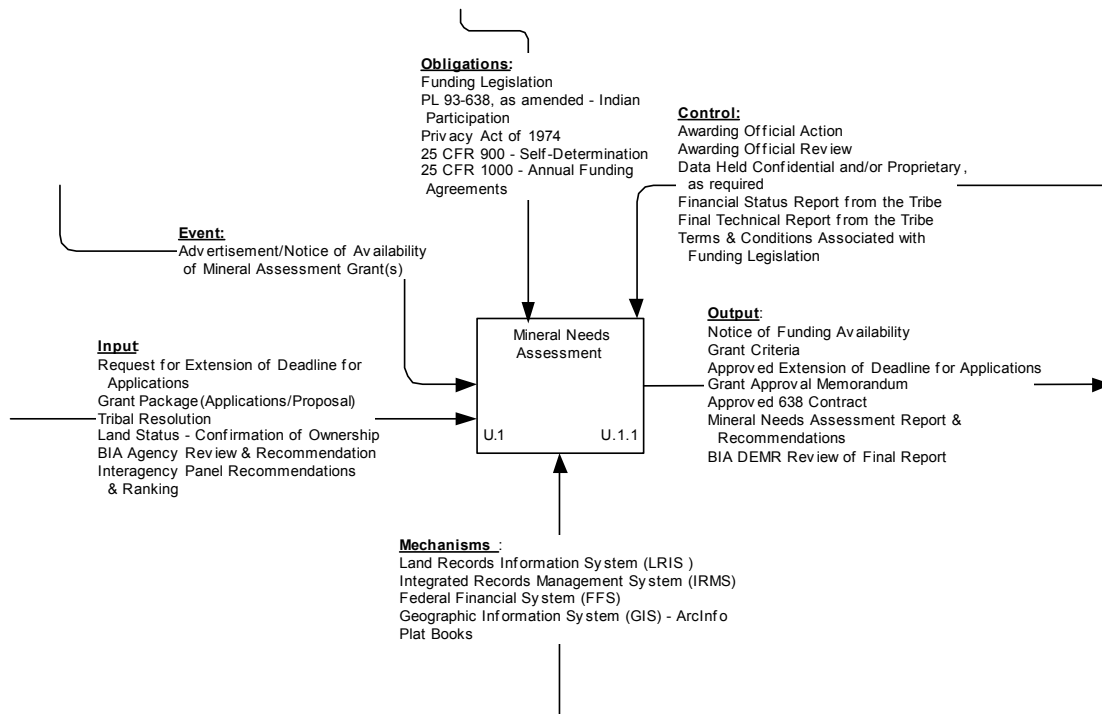


Figure 4.3.6- 3 Mineral Needs Assessment IDEF (0)
(BIA Division of Energy and Mineral Resources Grant Program)



IMDA Agreement (U.1.2)

Starts with: Present a negotiated agreement for Tribal lands to BIA for approval or a Tribe requesting BIA assistance in the negotiation of an agreement under the IMDA of 1982.

Ends with: Approve or reject the agreement.

The Indian Mineral Development Act (IMDA) agreement process starts with a Tribe bringing a negotiated agreement for Tribal lands to BIA for approval or a Tribe requesting BIA assistance in the negotiation of an agreement under the IMDA of 1982. The process ends with the approval or rejection of the agreement. The IMDA permits inclusion of allotted lands with Tribal approval.

There are no proscribed rules or regulations regarding the form of negotiations a Tribe must adhere to and no limitations on the types of agreements that may be proposed. However, each proposed IMDA Agreement must be submitted to BIA for approval. The proposed Agreement is reviewed by the BIA Agency and/or BIA Regional Office, BLM, MMS and the Solicitor's Field Office. If, as part of the Agreement, any waivers of regulations are included, the proposal must be forwarded only to the Secretary or Assistant Secretary - Indian Affairs for review and action. Otherwise the Agreement can be approved at the BIA Agency or BIA Regional authorized officer level. Should the authorized officer have reason not to approve an agreement it must be forwarded to the Secretary (designee) for further consideration. Only the Secretary (designee) may disapprove a proposed IMDA Agreement.

IMDA Agreements provide an alternate path to leasing of Tribal mineral assets under the conditions of the Tribal Lands Mineral Leasing Act of 1938. Because of the flexibility afforded by the IMDA of 1982 and its furtherance of Self-Determination the IMDA Agreements have become the preferred leasing mechanism for Tribes.

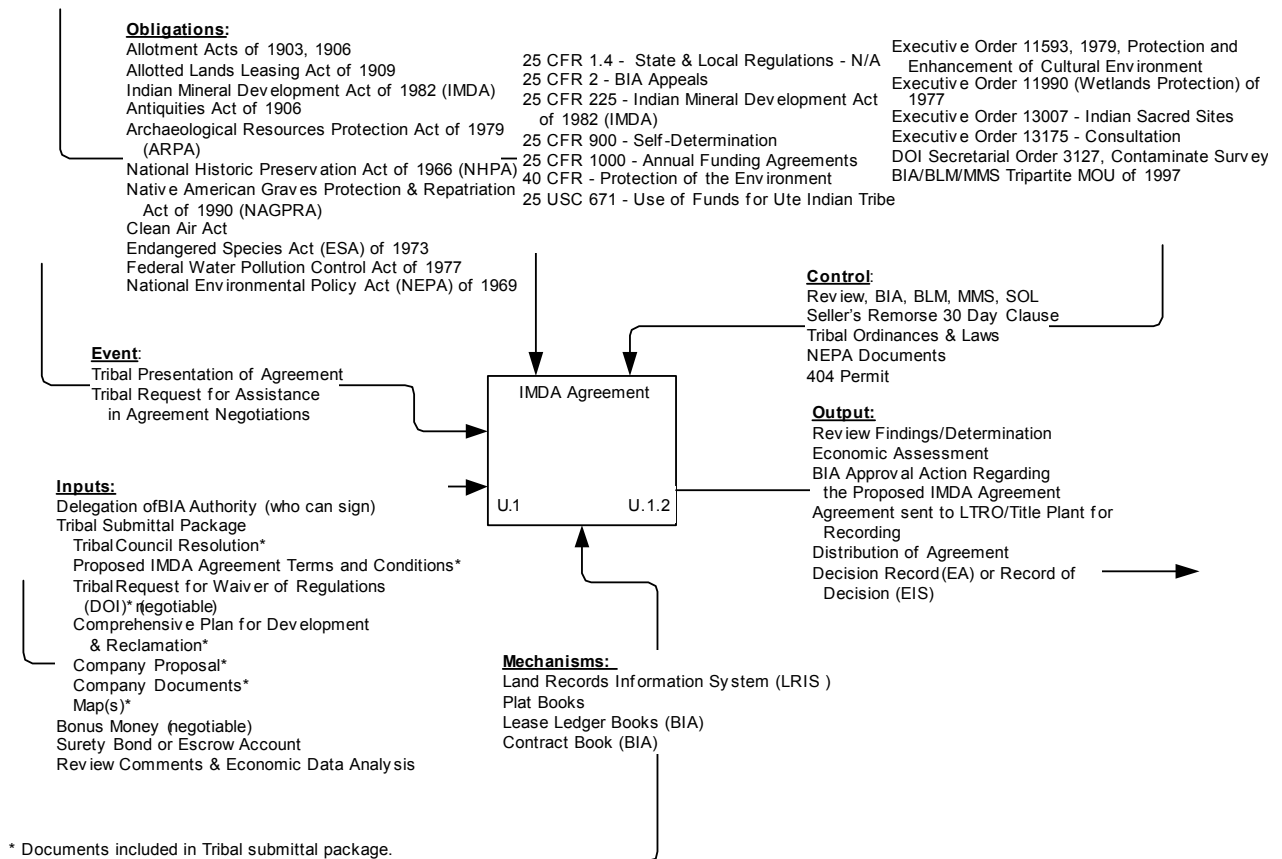


Figure 4.3.6- 4 IMDA Agreement IDEF (0)



Pre-Lease (U.1.3)

Starts with: Nominate a tract(s) for lease.

Ends with: Advertise a competitive lease sale or a decision to negotiate a lease.

The pre-lease process includes all activities leading to the negotiation of a 1909 (allotted lands) or 1938 (Tribal lands) Act mineral lease, starting with nomination and ending with either an advertisement of a competitive lease sale or a decision to negotiate a lease.

Nomination of a tract for leasing can come from one of many sources and in several forms. A Tribe or individual allottee may request (formally or informally) that a tract they have an interest in be advertised for a competitive lease sale. A private company may request that a tract be made available for lease. BIA may include a tract in a preplanned lease sale advertisement based on idle land reviews or BLM may recommend leasing a tract based on a potential drainage situation. Also, a nomination may arise out of the results of a Mineral Needs Assessment. Regardless of the source of a nomination the pre-lease process includes a common set of data gathering and dissemination activities.

The Tribal Lands Mineral Leasing Act of 1938 requires that Tribal lands be advertised prior to leasing. However, the Indian Mineral Development Act (IMDA) of 1982 allows direct negotiations for Tribal leases without BIA involvement or advertising. Consequently, the IMDA Agreement path is the preferred path for Tribal mineral leases. Whether Tribal land leasing is pursued under the 1909 or 1982 Act, BIA approval of the resulting lease is required. Leasing of allotted lands is not restricted by the same advertising requirements and BIA may elect to forego advertising and immediately initiate negotiations. This is frequently done when past experiences have demonstrated that a competitive lease bid effort would be non-productive.

Data gathered during the pre-lease process is related to ownership, valuation, and legal description of the tract(s) to be advertised for lease sale or for which negotiations may be initiated. At this point in the overall process, certified Title Status Reports (TSRs) are not generally requested because of the time and expenses associated with their generation. Since every advertised tract does not result in a lease most BIA Agencies wait until they have an acceptable lease package before requesting a certified TSR. For pre-lease purposes, reliance is generally placed on the ownership and tract description data contained in the Land Record Information System (LRIS) or locally maintained systems.

Other data gathered during the pre-lease process include an archaeologist's cursory review of allotted lands, the results of a joint technical evaluation of the proposed site and a Tribal Resolution for activities involving Tribal lands. A cursory archaeological review of Allotted Lands may be done based on visual inspection, photographic evidence, or personal knowledge. The joint BIA & BLM technical evaluation of the potential lease site is done per 25 CFR 216.4. This evaluation includes an economic feasibility study, per acre rate for minimum bonus bid, recommendations for royalty rate, and lease term for Solids.

During the pre-lease process, requests may be made for BLM survey assistance when boundaries are in doubt and/or for a fair market value determination for fluid or solid mineral assets.

Pre-lease ends with a public announcement of land for lease, including legal description, due date and time, lease details (stipulations), a mutual (BIA and Indian Mineral Owner) agreement to



enter into a lease sale negotiation, or a BIA explanation to involved parties of why a lease will not be pursued.

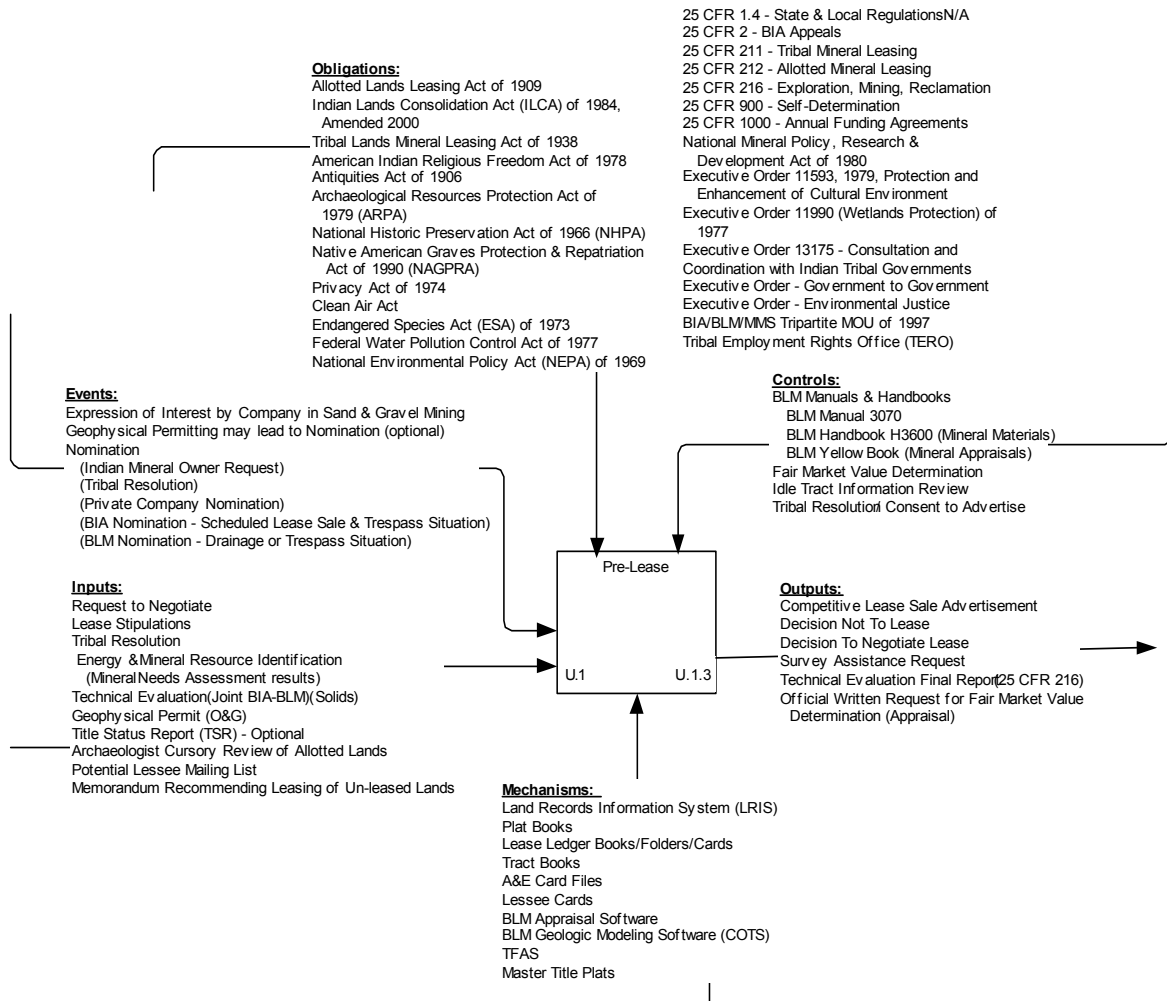


Figure 4.3.6- 5 Pre-Lease IDEF (0)



Establish Lease by Sale or Negotiation (U.1.4)

Starts with: Advertise a competitive lease sale or a decision to negotiate a lease.

Ends with: Approve a lease or termination of the leasing effort.

The establish lease by sale (competitive bid) or negotiation process includes all activities associated with establishing a lease related to Indian Trust minerals; starting after either the lease sale advertisement or a decision to negotiate a lease and ending with lease approval. Permits may be used for low volume operations. For more than 5,000 cubic yards (in place) per year of sand and gravel, a lease must be used.

For advertised lease sales, the high bidder is determined at the bid openings. When the decision has been made to forego a competitive lease sale in favor of a negotiated lease, the potential lessee is known at the start of the Establish Lease Process. From the point at which either the high bidder or potential lessee is known, the Establish Lease Process becomes a negotiation process.

Two general categories of inputs are associated with the negotiation process, one is supporting information and the other is required documents and financial instruments. In the supporting information category are responses to requests for survey consultation, fair market value determination and a Title Status Report. Before a lease is approved, documentation is required to establish financial responsibility and viability of the Company (potential lessee). In addition to this documentation the potential lessee must submit a number of financial instruments or cash, depending on whether the lease will be for fluid or solid mineral mining. A partial list of financial instruments includes:

- a) Earnest Money Deposit (O&G)
- b) Initial Annual Rental Payment
- c) Filing Fees and Prorated Share of Advertising Costs
- d) Bonus Money
- e) Advance Royalty (Coal leases)
- f) Bond, Regulator's Minimum Bond
- g) Insurance Policy for Off-Site Damage

Bonds are posted after completion of negotiations, within 30 days of authorization to obtain allottee consent, and prior to lease approval. In addition to the Regulator's (Bureau or Department) Minimum Bond, other bonds may be required, such as Royalty Bonds, Collective Bonds, Reclamation Bonds, and Specific Reclamation Activity Bonds. Also, when nationwide, statewide, or reservation wide bonds are already in place the minimum bond may not be required. 25 CFR 211 and 212 contain a listing of the acceptable forms of bonds, i.e., surety, letters of credit (L/C), escrow accounts, and cash.

Following completion of negotiations, BIA authorizes the Company to proceed with obtaining Indian Mineral Owner consent to the agreed lease. Also, upon notification of successful bid, the Company has 30 days to submit the balance of the bid bonus, corporate documents and the bond. The Company may request an extension of the 30 days for submittal of corporate documents and bond but may not receive an extension of the 30-day time period for submittal of the balance of the bid bonus. At the conclusion of negotiations, a package of all relevant BIA forms is sent to the Company.

One of the following NEPA (environmental and cultural) documents must be approved by the time a lease is approved:

- Categorical Exclusion (CX)
- Finding of No Significant Impact (FONSI) & Environmental Assessment (EA)
- EIS Record of Decision (ROD)

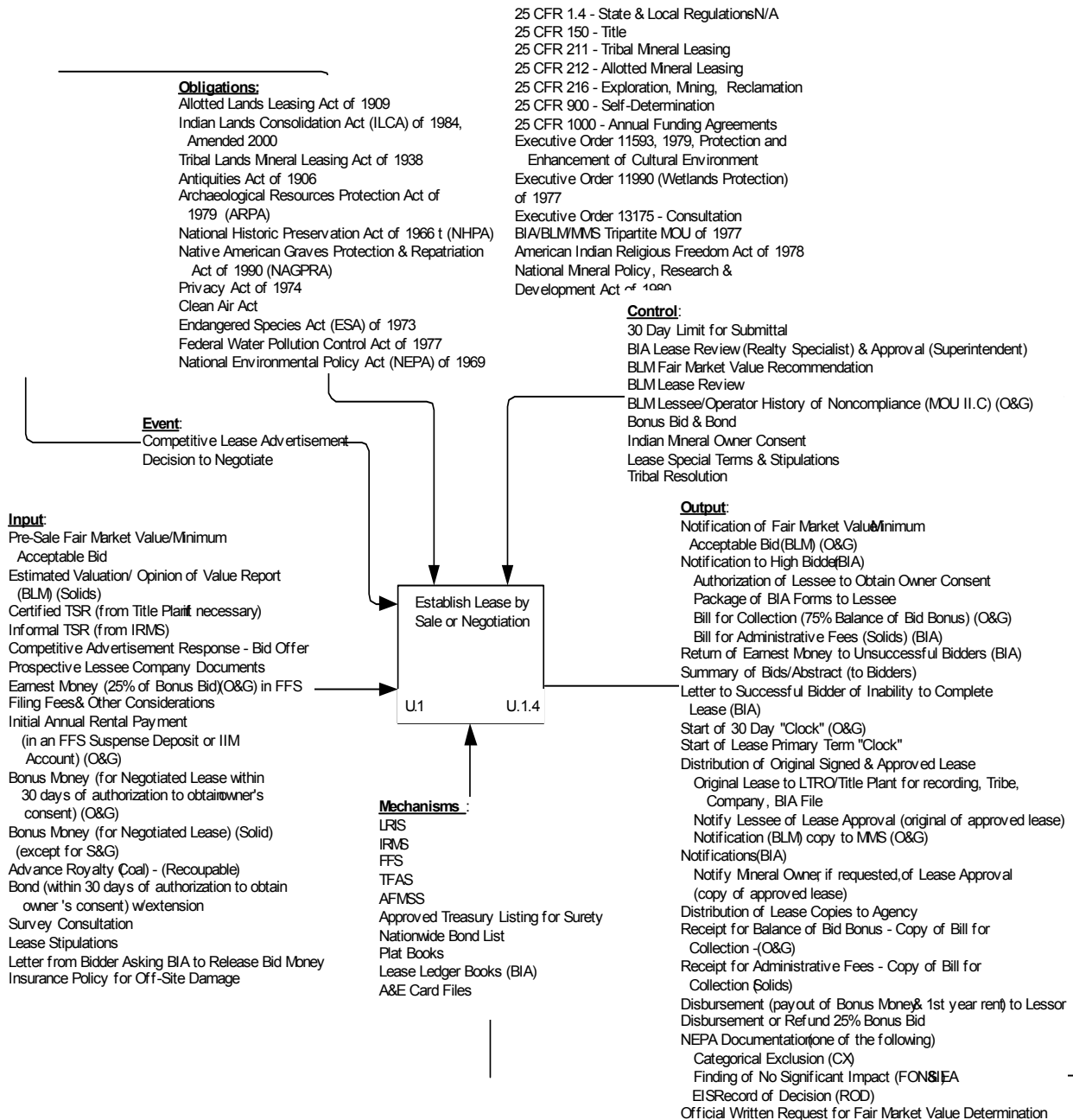


Figure 4.3.6- 6 Establish Lease by Sale or Negotiation IDEF (0)



4.3.6.3 Post Lease Fluid Minerals Management (U.2)

Starts with: Approve a fluid minerals lease.

Ends with: Approve reclamation efforts, by BIA Agency Superintendent; distribution of the Financial Distribution Report (FDR) and complete audits or the beneficiary receives the final royalty check.

Post lease fluid minerals management is composed of two parallel sub-processes; fluid minerals lease management and fluid minerals revenue management. Each of these sub-processes is decomposed as described below.

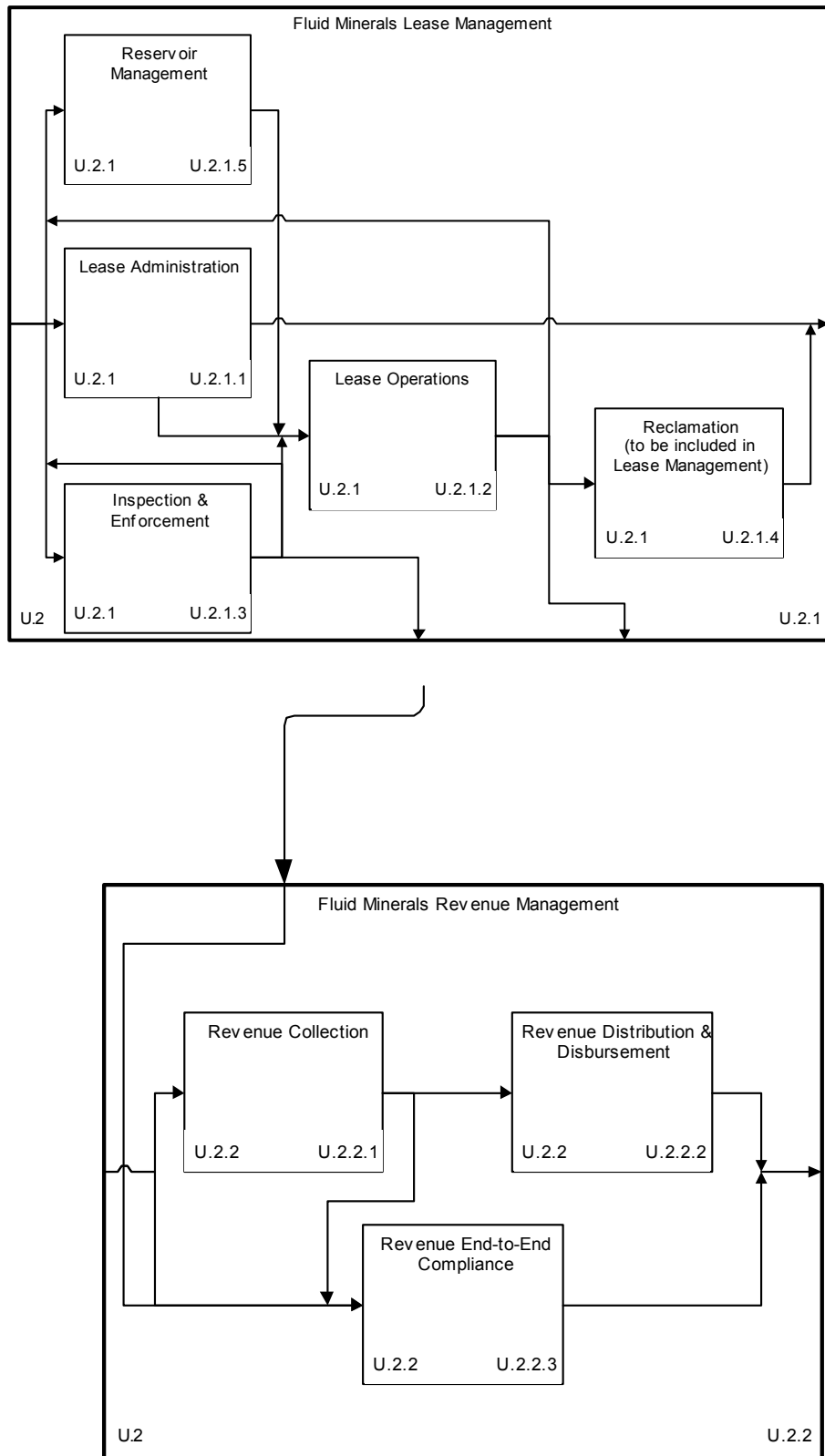


Figure 4.3.6- 7 Post Lease Fluids Mineral Management IDEF (3)



Beneficiary Involvement for Post Lease Fluid Minerals Management

As a part of the post lease fluid minerals management process, Tribes are involved in joint inspections, independent inspections, decision regarding the resolution of drainage situations, and reclamation on Tribal lands. As the beneficiary for Tribal mineral land activities, the Tribe receives royalty checks, rental checks and explanation of payment documents. Tribes may also request audits of their mineral lease accounts.

For allotted tract(s) leases the allottee, and the surface owner, if a split estate, participate in joint site inspections. As the beneficiary for allotted mineral land activities the allottee receives royalty checks, rental checks and explanation of payment documents. Allottees may also request audits of their mineral lease accounts.

Post Lease Fluid Minerals Management Significant Notes

- a) MMS had set up the 2014 Monthly Report of Sales and Royalty Remittance for Internet access and stopped mailing out hard copies to the BIA Agencies just prior to the December 5, 2001 Federal District Court Temporary Restraining Order (TRO) restricting Internet access. Consequently there has been a disruption in the process for identifying what royalty monies have been received and determining the exact amount of royalties that each beneficiary should be receiving. This has necessitated the development of estimated payments. Explanation of Payments (EOP)/Financial Distribution Reports (FDR) have also been based on estimates.
- b) Lease bond amounts can be set too low resulting in a lack of economic incentive for lessees or operators to comply with the requirements of the reclamation plan. When the cost associated with maintenance of a bond is exceeded by the cost of reclamation it is in the Operator's financial interest to forfeit the bond if credit rating damage is not relevant to the Operator.
- c) Orphan wells are draining BLM resources. When an Operator of an abandoned lease cannot be located and no bond exists, the responsibility for the plugging and reclamation defaults to the government. Plugging of the well(s) and reclaiming the site are costly endeavors and, as noted above, inadequate bonding does not cover the expenses. Consequently the funds needed to make up the difference between the available bond amounts and the actual costs are drawn from the BLM budget. In addition, states tax oil and gas production, including federal and Indian production that occurs within their state. A portion of the taxes often goes into a well plugging fund. BLM works with state lands or oil and gas commissions to use some of the state funds to plug wells on federal and Indian lands.



Post Lease Fluid Minerals Management Detail Description

4.3.6.3.1 Fluid Minerals Lease Management (U.2.1)

Starts with: Approve a fluid minerals lease.

Ends with: Approve reclamation efforts, by BIA Agency Superintendent or designated Line Official.

Fluid minerals lease management includes five sub-processes;

- a) fluid minerals lease administration
- b) fluid minerals lease operation
- c) fluid minerals inspection and enforcement
- d) fluid minerals reclamation
- e) fluid minerals reservoir management

A description of each of these five sub-processes follows.

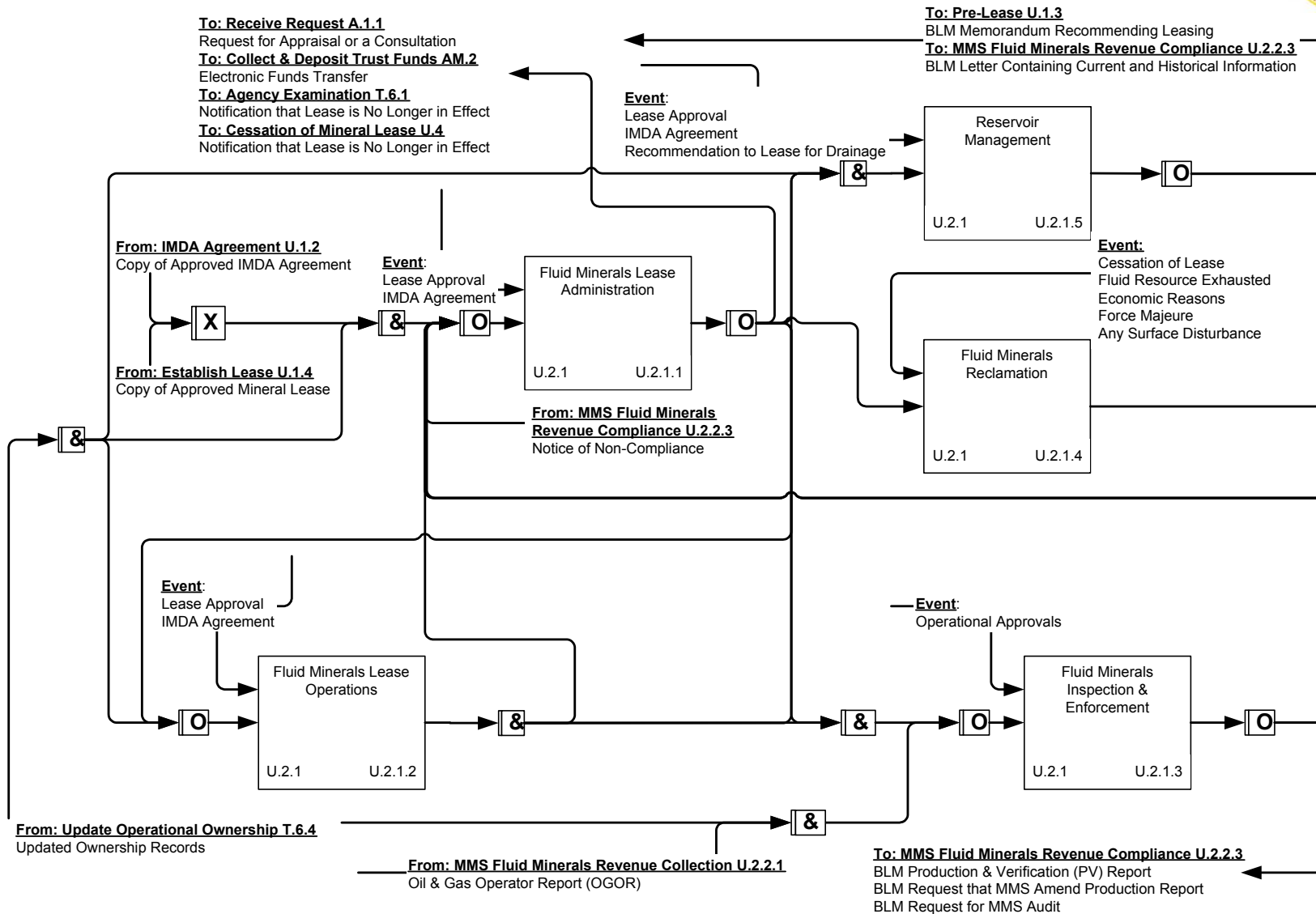


Figure 4.3.6- 8 Fluid Minerals Lease Management IDEF (3)



Fluid Minerals Lease Administration (U.2.1.1)

Starts with: Approve a lease.

Ends with: Surrender, expiration, or cancellation of the lease.

The objective of the fluid minerals lease administration process is to ensure lessee/operator compliance with lease terms, applicable regulations and Orders, and approvals/modifications throughout the life of the lease. The fluid minerals lease administration process incorporates the administrative, non-technical aspects of lease management and starts after lease approval. The process is ongoing until the lease expires, is surrendered, or is cancelled and reclamation is complete. Lease administration is primarily a BIA function.

BIA manages all administrative activities during the life of the lease. This includes all title changes (e.g., approval of assignments), lease modifications, approval of agreements (unit, CA), receipt of annual rental payments and general BIA correspondence. BIA collects administrative fees such as assignment fees, environmental fees, cancellation fees, etc. which are deposited in the General Treasury. BIA conducts inspections as per 25 CFR 211.46, 212.46 or 225.35 and takes enforcement actions for noncompliance as per 25 CFR 211.54, 212.54, or 225.36. This function or portions of this function may have been Compacted/Contracted by a Tribe(s). Lease data is encoded into the IRMS database by the BIA Agency.

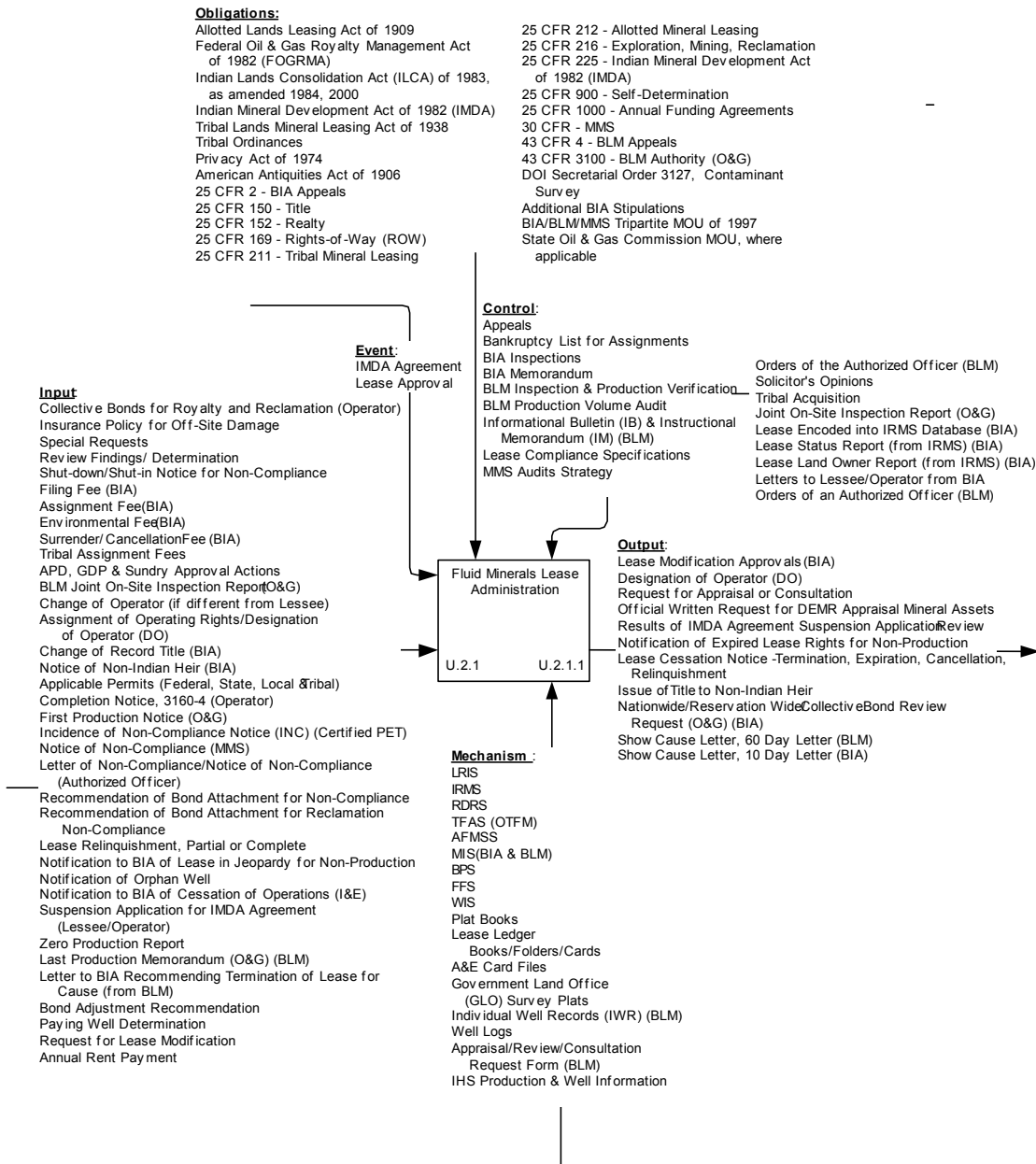


Figure 4.3.6- 9 Fluid Minerals Lease Administration IDEF (0)



Fluid Minerals Lease Operations (U.2.1.2)

Starts with: Approval of lease and receipt of an Application for Permit to Drill (APD).
Ends with: Surrender, expiration, or cancellation of the lease and with completion of required reclamation.

The objective of the fluid minerals lease operations process is to ensure orderly and diligent development of the mineral resources by ensuring lessee/operator compliance with lease terms, applicable regulations and Orders, and provide reviews, approvals, modifications and other operation actions throughout the life of the lease. Fluid minerals lease operations starts with an Application for Permit to Drill (APD). It ends with completion of the required reclamation. The fluid minerals lease operations process is a mineral development management process and is primarily a BLM activity.

The Operator's Application for Permit to Drill (APD), including H₂S Contingency Plan, is the proposed plan for development of fluid mineral assets on a per well basis. The APD is reviewed as part of the lease operations and must be approved prior to the commencement of any drilling activity under the lease. In conjunction with the APD review are activities related to identification and confirmation of sensitive habitat (ESA), cultural resources (ARPA, NAGPRA, NHPA) and environmental (Clean Air Act, Federal Water Pollution Control Act, etc.) compliance. Also, as part of the lease operations process location well spacing requirements may be set by either the BLM or a State Oil & Gas Commission with the concurrence of the other. The Tribe may also have input into spacing decisions.

An Incident of Non-Compliance (INC) and/or letter from the BLM Authorized Officer related to the Operator's failure to comply with the terms of the lease and/or permit may be issued as part of the lease operations process. Notifications that an Orphan Well exists are generated as part of the lease operation process and forwarded to the Superintendent.

Requests made during the lease administration process are responded to during the lease operation process, such as:

- a) an appraisal or a consultation
- b) an economic determination regarding the viability of an ongoing operation
- c) a review of Lessee/ Operator's Suspension Application for IMDA Agreement

Notices of the first oil or gas production from the first producing well on a lease and memoranda noting that the last producing well on a lease has stopped production are generated as part of the lease operation process. Also, production of the Lessee/Operator's monthly Oil & Gas Operational Report (OGOR) is a lease operations activity.

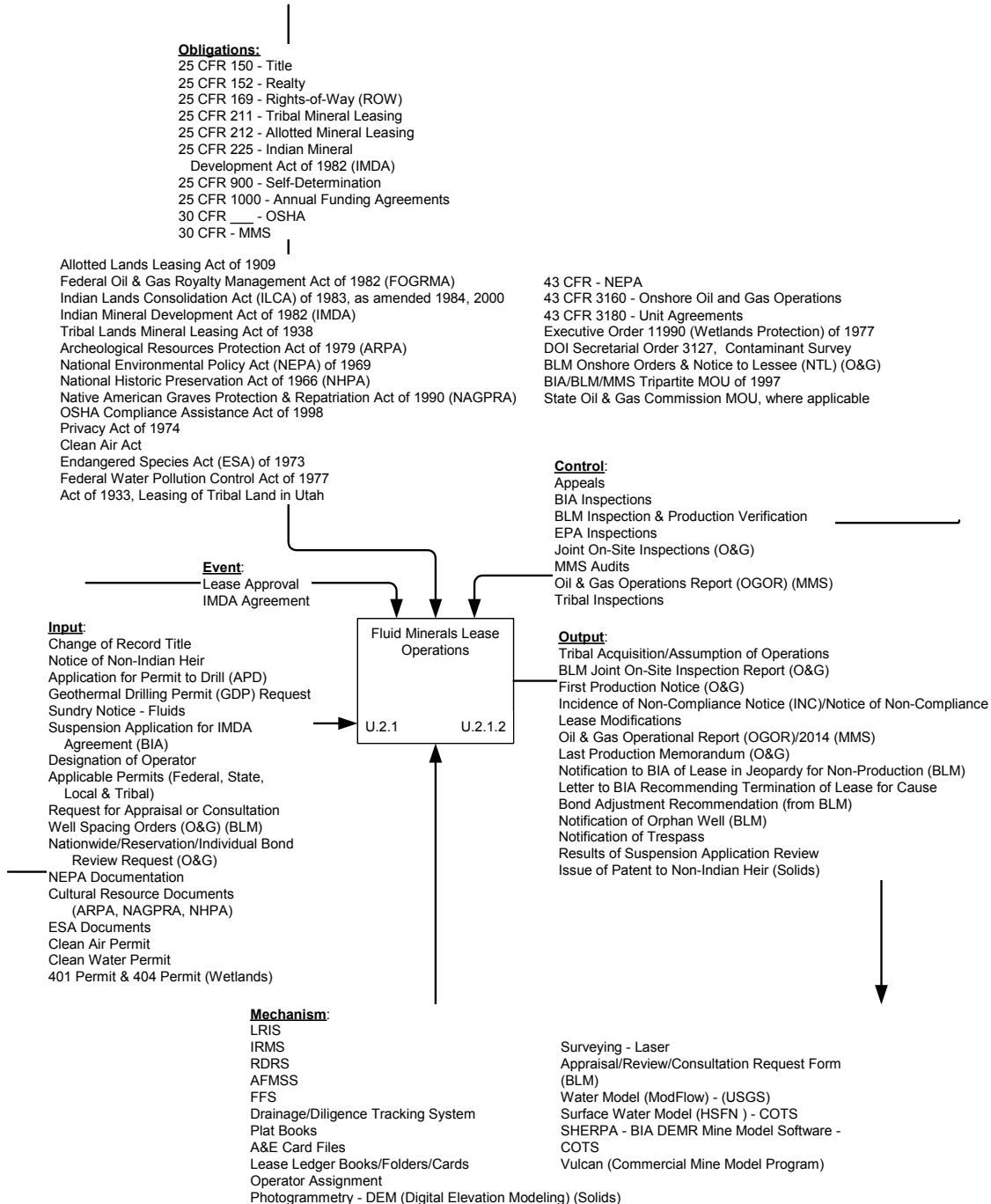


Figure 4.3.6- 10 Fluid Minerals Lease Operations IDEF (0)



Fluid Minerals Inspection & Enforcement (U.2.1.3)

Starts with: Approve operations.

Ends with: Release of bond(s) or the final reclamation inspection report approval if the associated bond is a nationwide or reservation-wide bond.

The objective of the fluid minerals inspection & enforcement process is to ensure lessee/operator compliance with lease terms, applicable regulations and Orders, and approvals/modifications throughout the life of the lease. The fluid minerals inspection and enforcement process starts with APD approval and ends with release of lease bond or the final reclamation inspection report approval if the associated bond is a nationwide or reservation-wide bond.

BLM conducts drilling, production verification, measurement, and other types of inspections on Indian Trust oil and gas leases according to its annual inspection strategy. BLM issues Incidences of Non-compliance (INC), assessments and penalties for non-compliance with regulations, notices, orders, etc. as specified in 43 CFR 3163. BLM conducts oil theft investigations and makes recommendations to BIA when mineral trespass situations are discovered. BLM conducts on-site or records inspections as requested by MMS. BLM has Section 202 cooperative agreements with several Tribes where Tribal employees conduct I&E on the reservation.

Also, as part of the inspection and enforcement process MMS transfers production data to BLM's Denver Service Center bi-weekly. This includes MMS accepted documents and on-hold pending correction which BLM uses for production accountability and verification. In addition to basic reporting, the following documents and actions may result from inspection and enforcement activities.

- a) Notification to the BIA Line Official that a Trust mineral site has been abandoned by the Lessee/Operator
- b) recommendation that BIA terminate a lease for cause
- c) an official BIA or BLM notice to a trespassing Operator to cease and desist
- d) a request that MMS amend production reports
- e) Shut-down/Shut-in Notice for Non-Compliance sent to the Lessee
- f) recommendation that a bond be attached for non-compliance
- g) levy of fine for abandonment
- h) levy of assessment for non-compliance
- i) levy of civil penalties for continued non-compliance.

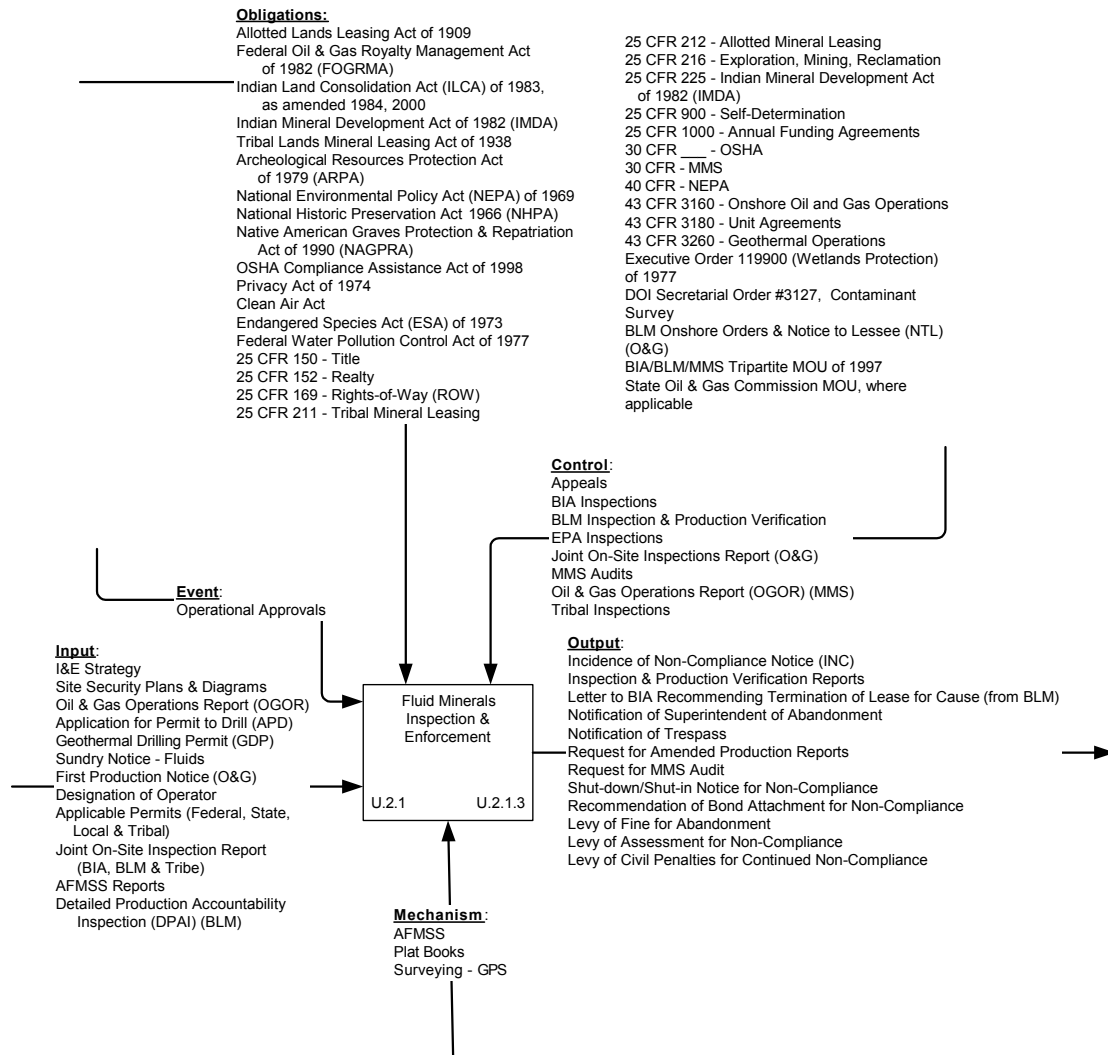


Figure 4.3.6- 11 Fluid Minerals Inspection & Enforcement IDEF (0)



Fluid Minerals Reclamation (U.2.1.4)

Starts with: Commence drilling operations.
Ends with: Complete final lease reclamation.

The fluid minerals reclamation process is the restoration of the leased/permitted tract consistent with the approved APD Reclamation Plan and lease terms. The objective is to ensure that oil and gas operations are reclaimed in accordance with lease terms, regulations and approvals. Reclamation starts with commencement of drilling operations and ends with final lease reclamation acceptance.

BIA provides stipulations for reclamation and participates in final reclamation inspections. BLM is responsible for approval of the technical aspects of plugging and abandonment of individual oil and gas wells on Trust lands, approving Sundry Notices for plugging & abandonment of wells, and sending out approved Final Abandonment Notices (FAN). BLM may recommend that a bond be attached for non-compliance with reclamation requirements.

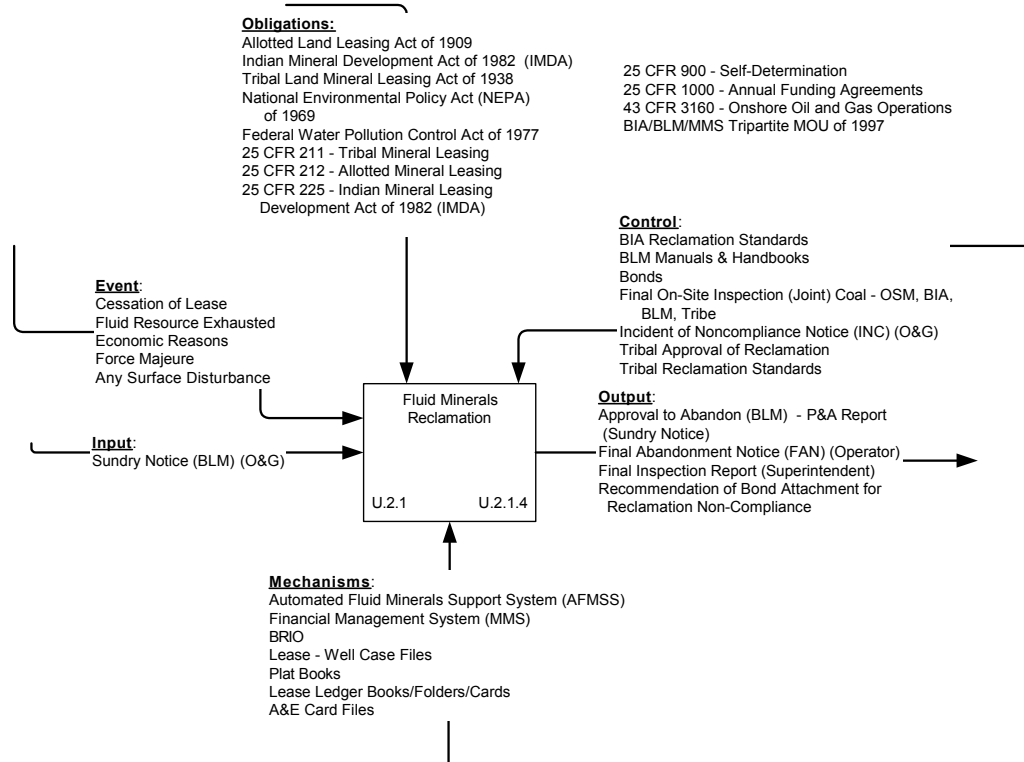


Figure 4.3.6- 12 Fluid Minerals Reclamation IDEF (0)



Fluid Minerals Reservoir Management (U.2.1.5)

Starts with: Issue a lease or drainage situation.

Ends with: Lease cessation or resolution of drainage situation.

Fluid minerals reservoir management consists primarily of BLM conducting drainage, diligent development and spacing reviews on Indian lands. Drainage reviews are conducted to ensure that the Indian lands are not being drained of oil and gas resources by wells on adjacent lands. Diligence reviews are conducted to ensure that once an Operator has begun producing from a lease the Operator continues to develop all economically producible formations to provide maximum income to the beneficiary. Spacing is established to conserve the resource. The BLM drainage and spacing review programs are ongoing. The diligence program begins once production is established on an Indian lease and ends when the lease ends.

Drainage or diligence demand letters are sent to Operators of Indian leases and in the case of drainage of unleased Indian lands, BLM advises BIA of the drainage situation so that BIA can lease the lands. BLM generally sends a copy of all Operator demand letters to the Tribe for concurrence prior to sending them to the Operator. The responsibility for approval of Operator drilling according to an acceptable well-spacing plan (as per 43 CFR 3162.3) is exercised as part of the lease operations process. Also, unit paying well determinations are conducted as part of this process.

Spacing Orders establish the surface acreage per well in a given area for a specific formation or zone. Depending on location, well spacing requirements may be set by either BLM or a State Oil & Gas Commission with the concurrence of the other. The Tribe may also have input to spacing decisions. The entire subject of spacing is a reservoir management topic.

Review and approval or disapproval of Communitization Agreements and Unit Agreements are also lease operations processes.

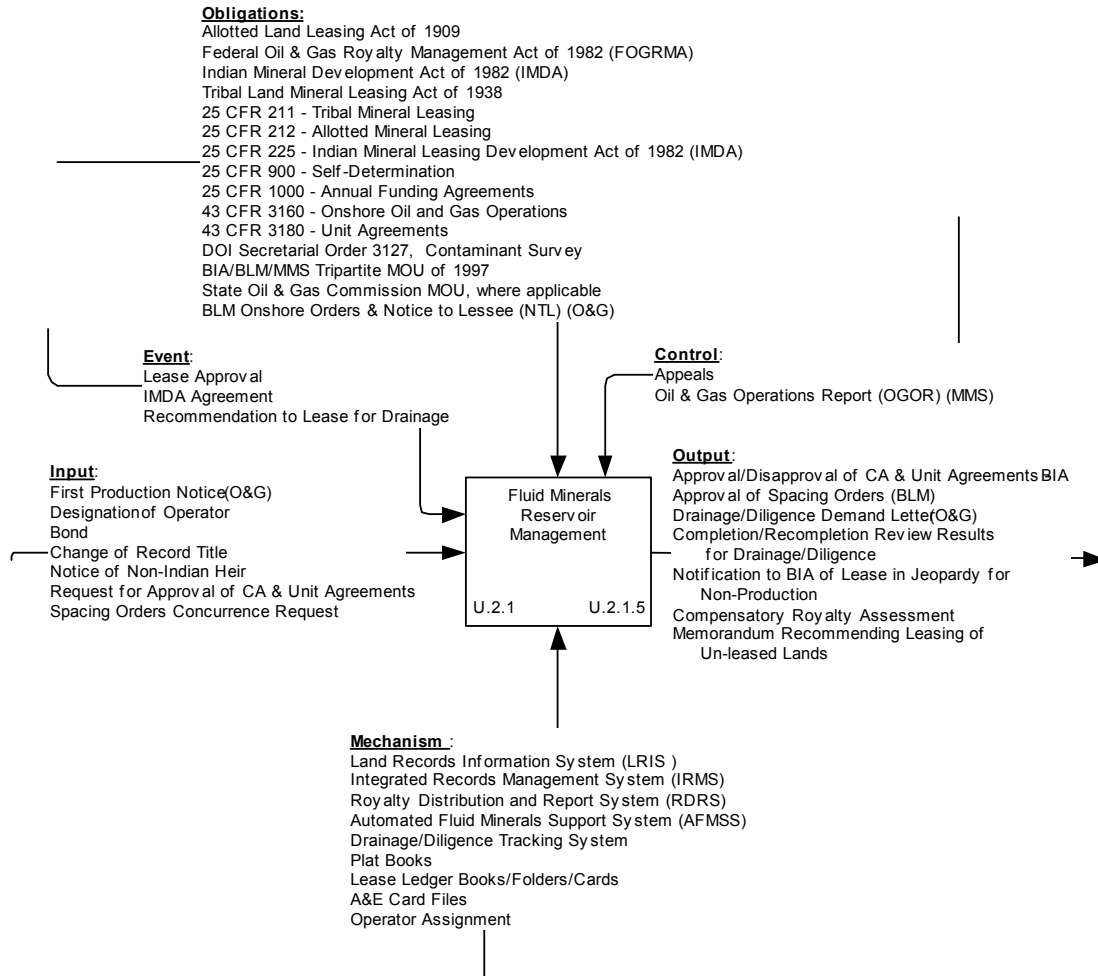


Figure 4.3.6- 13 Fluid Minerals Reservoir Management IDEF (0)



4.3.6.3.2 MMS Fluid Minerals Revenue Management (U.2.2)

Starts with: Receipt of a Notice of First Production.

Ends with: Distribute the Financial Distribution Report (FDR) and complete audits or the beneficiary receives the final royalty check.

The Notice of First Production alerts MMS that revenue is due and owing. The MMS fluid minerals revenue management sub-process is further broken down into three sub-processes;

- a) MMS fluid minerals revenue collection
- b) MMS fluid minerals revenue distribution and disbursement
- c) MMS fluid minerals revenue compliance

The collection, distribution, and disbursement activities are done in series while the compliance activities are concurrent and parallel with the collection, distribution and disbursement sub-processes. A description of each of these three sub-processes follows.

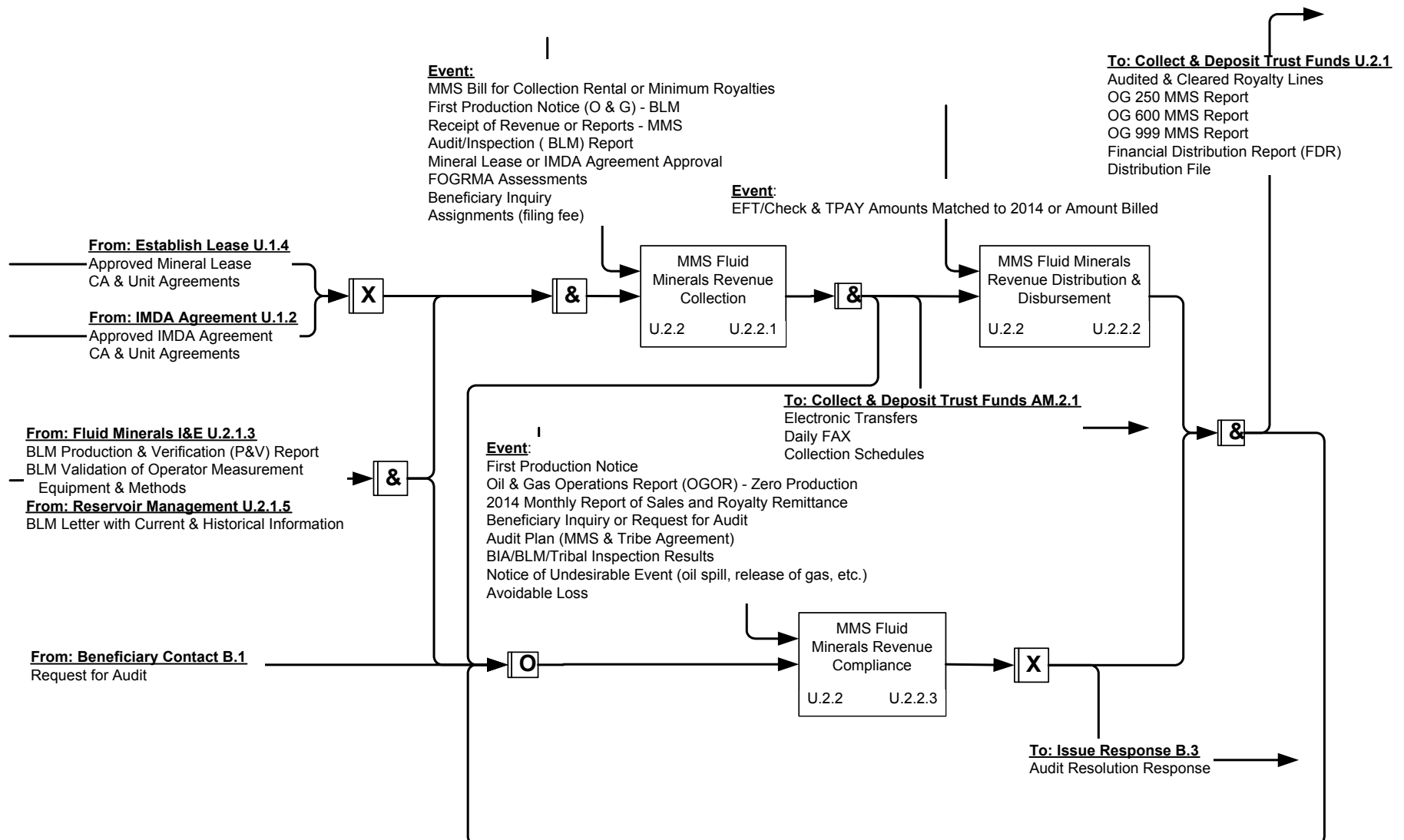


Figure 4.3.6- 14 Fluid Minerals Revenue Management IDEF (3)



MMS Fluid Minerals Revenue Collection (U.2.2.1)

Starts with: Beginning with receipt of a Notice of First Production.
Ends with: Transfer mineral revenues to the accounting process.

The objective of the fluid minerals collection process is to collect royalty, rental and interest payments in a timely manner and in the correct amount to the correct beneficiaries and to provide an adequate explanation of the payments. The fluid minerals collection process involves the collection, deposit, investment, and accounting for mineral revenues from Trust lands. The process begins with recognition of a revenue stream through any one of several events and ends with transfer of mineral revenues to the accounting process.

In the fluid minerals revenue collection process MMS identifies daily receipts as allotted, Tribal or Alaskan Native; deposit/post allotted monies into a pooled holding account; Datafax daily receipt information to OST/OTFM; splits Tribal and Alaskan Native monies into individual Tribal and Alaskan Native accounts; and prepares SF1081 and FedEx to OST/OTFM. In conjunction with these MMS activities BIA pulls ownership information per lease from IRMS; calculates interest as appropriate; pro-rates interest to owners; generates print files for checks and EOPs; and transmits print files to OST/OTFM.

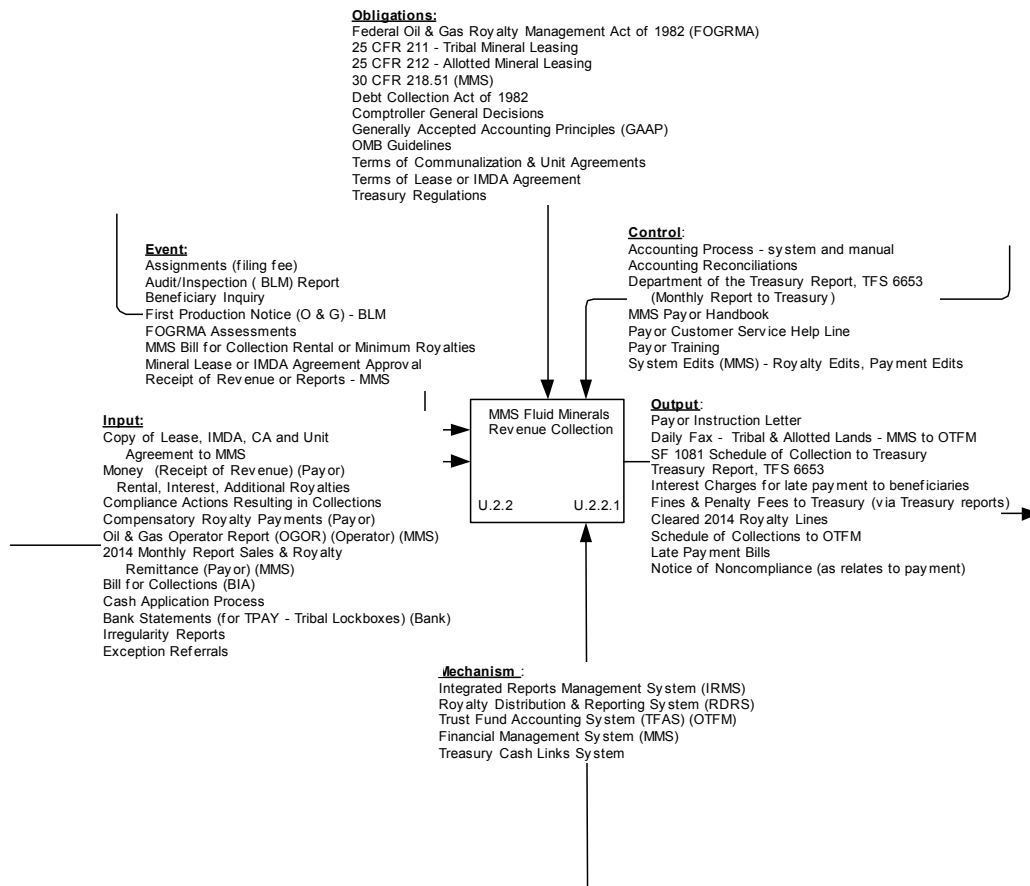


Figure 4.3.6- 15 MMS Fluid Minerals Revenue Collection IDEF (0)



MMS Fluid Minerals Revenue Distribution & Disbursement (U.2.2.2)

Starts with: Receive revenues or a notice of revenue receipt.

Ends with: Distribute the Financial Distribution Report (FDR).

The objective of the fluid minerals revenue distribution & disbursement process is to transfer royalty, rental and interest payments in a timely manner and in the correct amount to the correct beneficiaries and to provide an adequate explanation of the payments. MMS prepares the Financial Distribution Report (FDR), which is an explanation of payment and is available on CD ROM.

MMS receives royalties and post-production rentals for oil and gas operations on Trust lands from the payor. MMS receives the following reports (not inclusive):

- a) MMS 4025, Payor Information Form, used to track payors
- b) MMS-4054, Oil and Gas Operations Report (OGOR) from operator

The MMS Financial Management Module (PeopleSoft) matches payments with reports and carries out royalty edits. Financial Distribution Reports (FDR) are sent to Tribes, BIA, and OST/OTFM. Disbursement and EOP to Indian Mineral Owners occurs thru OST/OTFM (goes through BIA in Reston, Va., first). In order to keep the Financial Accounting System up-to-date, BLM sends Well Reference Data updates (via AFMSS) to MMS on a weekly basis. Once the updates pass edits, they are made available to the operator via the Internet as Well Confirmation Reports.

MMS transmits an electronic file containing payment data on a lease basis to the BIA National Business Center in Denver along with print and data files and sends MMS-3160 information to BLM. The BIA National Business Center receives files from MMS and sends a data file to BIA in Reston. The data is input into RDRS. The five major steps in RDRS are: update interest factor file; convert, remove and split files; prepare and submit Autostart run sheets; generate checks and statements; and, run oil and gas interface.

OST/OTFM distributes royalty checks and EOPs using BIA generated print files. OST/OTFM also updates information in TFAS and sends Quarterly Statements to Indian Mineral Owners relating to status of IIM accounts.

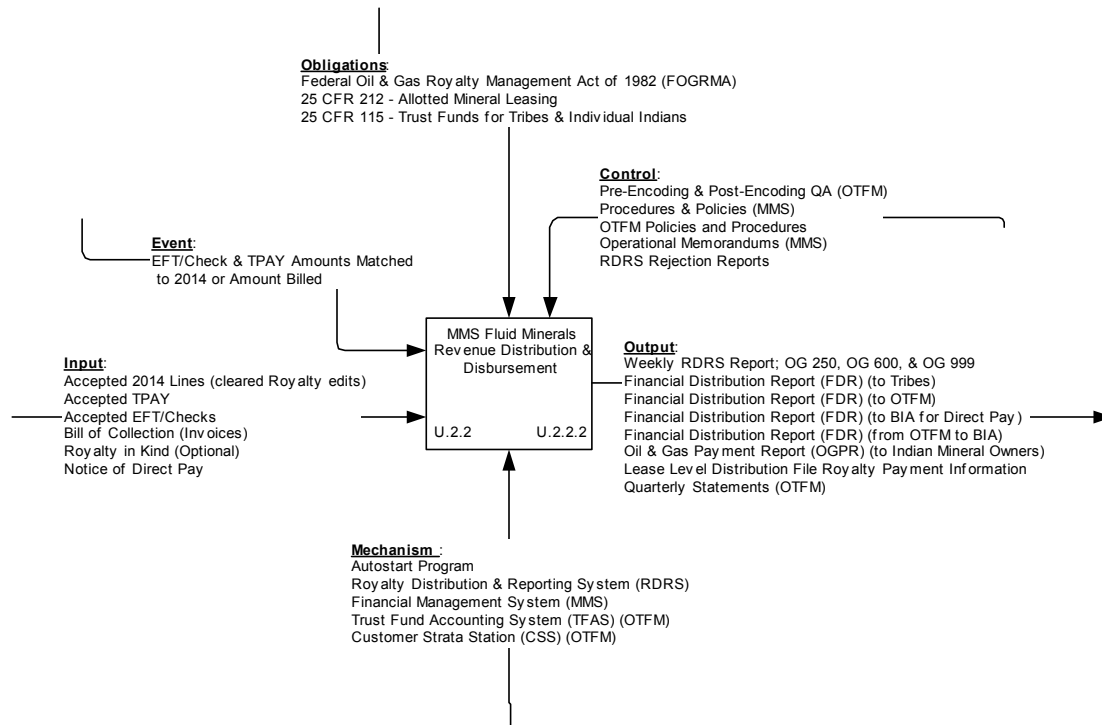


Figure 4.3.6- 16 MMS Fluid Minerals Revenue Distribution & Disbursement IDEF (0)



MMS Fluid Minerals Revenue Compliance (U.2.2.3)

Starts with: Receive notice of first production.

Ends with: Complete audits or the beneficiary receives the final royalty check.

The MMS fluid minerals revenue compliance process is an ongoing MMS process, throughout the duration of revenue generation and payment. MMS receives royalty and rental payments, Oil and Gas Operations Reports (2014) and reports from other Agencies to enable their compliance activities. The objective of the MMS fluid minerals revenue compliance process is to ensure royalty, rental and interest payments in a timely manner and in the correct amount to the correct beneficiaries.

Using the following sources MMS performs audits in accordance with an audit strategy and upon special request from other DOI organizational units and beneficiaries.

- a) MMS Compliance System targeting information
- b) BLM Production & Verification (PV) reports
- c) MMS calculated Index and Major Portion (MP) prices
- d) Operator prepared MMS standard 2014 Monthly Report of Sales and Royalty Remittance
- e) BLM validation of Operator measurement equipment and methods
- f) Reports of MMS observed irregularities
- g) BLM letter detailing current and historical information

Based on audit results MMS issues:

- a) letters, Orders & assessments
- b) noncompliance notice related to non-payments and associated penalties
- c) bills for interest, over-recoupment, royalty, or rentals
- d) bills for late payments
- e) audit resolution responses, sent to a beneficiary as a result of a request for audit.

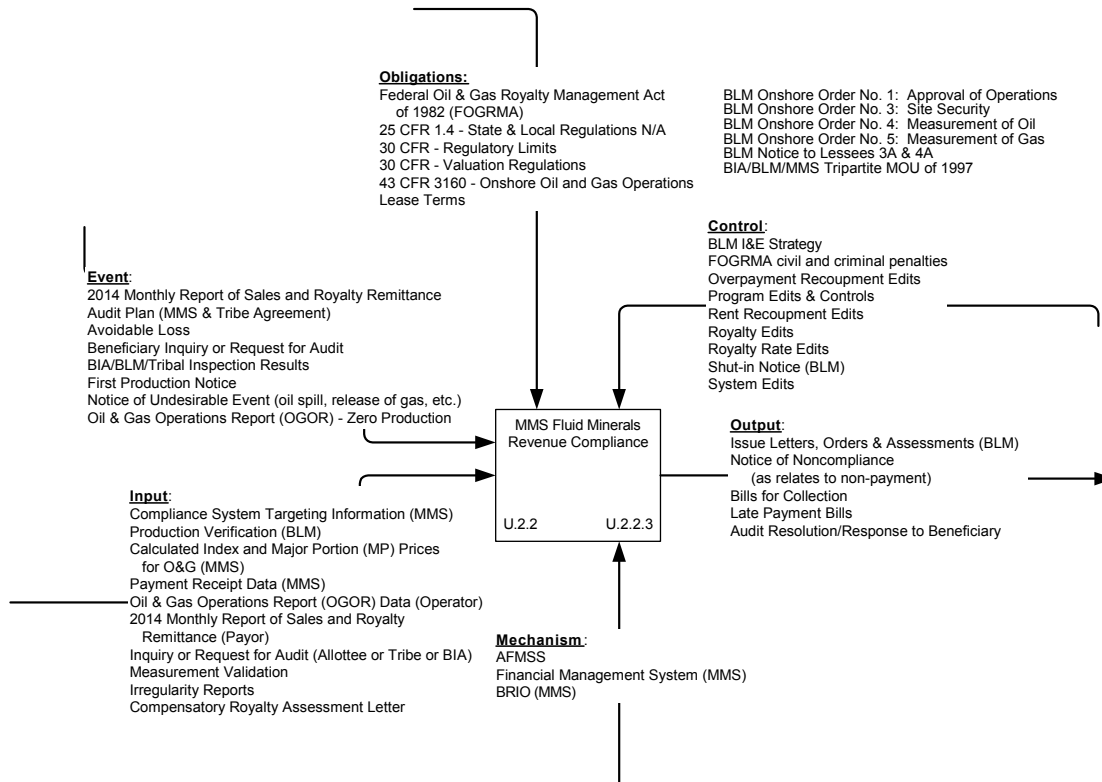


Figure 4.3.6- 17 MMS Fluid Minerals Revenue Compliance IDEF (0)



4.3.6.4 Post Lease Solid Minerals Management (U.3)

Starts with: Approve a solid minerals lease.

Ends with: BIA Agency Superintendent approval of the reclamation efforts; distribution of the Financial Distribution Report (FDR) and complete audits or the beneficiary receives the final royalty check.

Post lease solid minerals management is composed of two parallel sub-processes; solid minerals lease management and solid minerals revenue management. Each of these sub-processes is decomposed as described below.

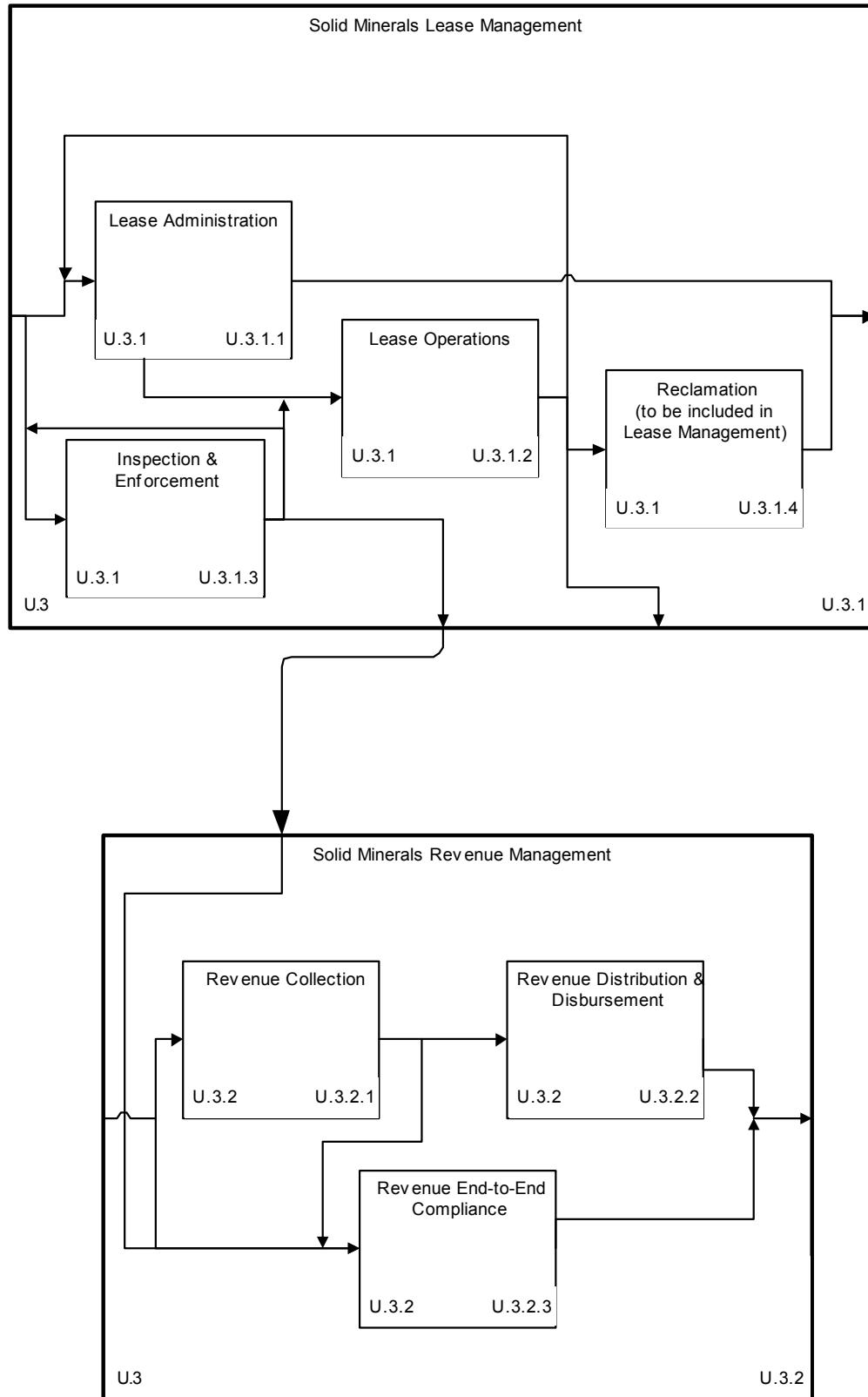


Figure 4.3.6- 18 Post Lease Solids Mineral Management IDEF (3)



Beneficiary Involvement for Post Lease Solid Minerals Management

As a part of the post lease solid minerals management process, Tribes are involved in joint inspections, independent inspections, and reclamation on Tribal lands. As the mineral owner, the Tribe receives royalty checks, rental checks and explanation of payment documents. Tribes may also request audits of their mineral lease accounts.

For allotted tract(s) leases, the allottee participates in joint site inspections. As the Indian Mineral Owner for allotments, the allottee receives royalty checks, rental checks and explanation of payment documents. Allottees may also request audits of their mineral lease accounts.

Post Lease Solid Minerals Management Significant Notes

- a) There is a conflict between the standard lease terms regarding owner rights, Operator union contract terms and the charter of the Tribal Employment Rights Office (TERO). The conflict involves priority for employment at a mining site.



Post Lease Solid Minerals Management Detail Description

4.3.6.4.1 Solid Minerals Lease Management (U.3.1)

Starts with: Approve a solid minerals lease.

Ends with: Approve reclamation effort, by a BIA Line Official.

Solid minerals lease management includes four sub-processes;

- a) solid minerals lease administration
- b) solid minerals lease operation
- c) solid minerals inspection and enforcement
- d) solid minerals reclamation

A description of each of these four sub-processes follows.

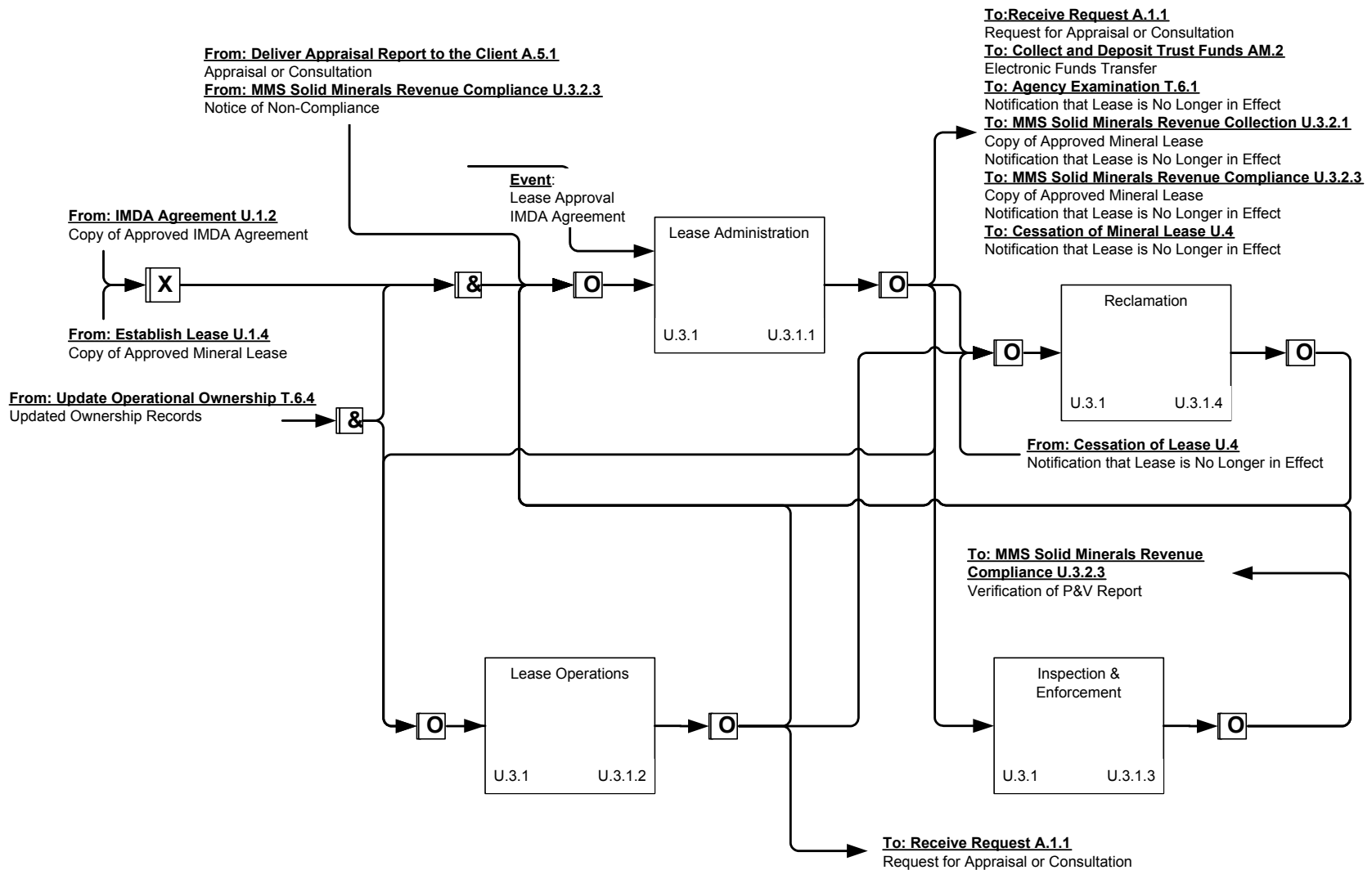


Figure 4.3.6- 19 Solid Minerals Lease Management IDEF (3)



Solid Minerals Lease Administration (U.3.1.1)

Starts with: Approve a lease.

Ends with: Surrender, expiration, or cancellation of the lease.

The objective of the solid minerals lease administration process is to ensure lessee/operator compliance with lease terms, applicable regulations and Orders, and approvals/modifications throughout the life of the lease. The solid minerals lease administration process incorporates the administrative, non-technical aspects of lease management and starts after lease approval. The process is ongoing until the lease expires, is surrendered, or is cancelled. Lease administration is primarily a BIA function.

BIA manages all administrative activities during the life of the lease. This includes all title changes and maintenance of ownership records. BIA collects administrative fees such as assignment fees, environmental fees, cancellation fees, etc. which are deposited in the General Treasury and are not Trust funds. BIA holds lease performance bonds, conducts inspections as per 25 CFR 211.46, 212.46 or 225.35 and takes enforcement actions for noncompliance as per 25 CFR 211.54, 212.54, or 225.36. This function or portions of this function may have been Compacted/Contracted by a Tribe(s).

Solid minerals lease administration includes approval actions regarding:

- a) Lessee assignment of operating rights - Designation of Operator (DO)
- b) Approval actions regarding lease modification
- c) Suspension Application.

Lease Status Reports, Lease Land Owner Reports, 10-Day Show Cause Letters, and official notices to a trespassing Operator to cease and desist are lease administration functions. Also, Lease Cessation Notices to the Lessee that the lease is no longer in force due to Termination, Expiration, Cancellation, or Relinquishment are a lease administration responsibility.

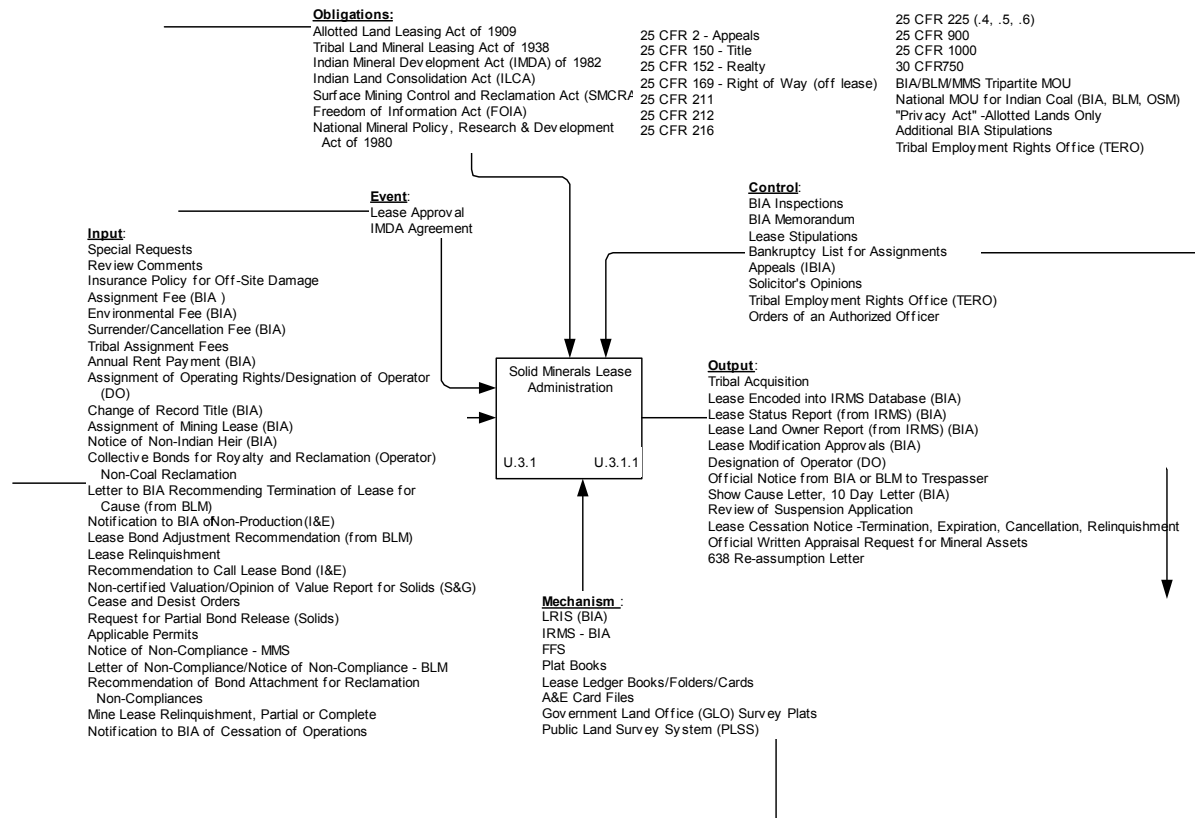


Figure 4.3.6- 20 Solid Minerals Lease Administration IDEF (0)



Solid Minerals Lease Operations (U.3.1.2)

Starts with: Submit a proposal, Exploration Plan, Permits (SMCRA, sand and gravel, building stone, etc.), Mine and Reclamation Plan, or a Resource Recovery and Protection Plan (R2P2).

Ends with: Complete the required reclamation.

The solid minerals lease operations process is a mineral development management process and is primarily a BLM activity for solid minerals. The objective of the solid minerals lease operations process is the management of Trust mineral assets in an environmentally acceptable manner for maximum recovery and maximum income to the Indian Mineral Owner.

Outside the SMCRA permits for coal mining, BLM has the lead and is responsible for approvals for all operations on Indian mineral leases. For solid minerals this includes coal exploration and mining and operations under 43 CFR 3480 (except as noted) and exploration and mining operations for solid minerals, other than coal, as per 43 CFR 3590.

BLM is responsible for the approval of coal exploration plans and Resource Recovery and Protection Plan (R2P2) for coal operations. Requirements relating to the content of exploration plans and R2P2 are found in 43 CFR 3482. BLM consults with BIA prior to approving an exploration plan. BLM receives updated mine maps at least annually from the Operator (43 CFR 3482.3). As per 43 CFR 3590.2, BLM, after consultation with BIA, approves operating plans and plan modifications for non-coal solid minerals. BLM inspects operations at least quarterly to prevent waste and damage to mineral resources and non-mineral resources affected by the operations and to determine adequacy of water management, pollution and emission control measures. In carrying out inspections BLM coordinates with the Tribe and other involved agencies. BLM acts on trespass cases according to 43 CFR 9230, and on Indian lands, notifies BIA of the trespass and any planned enforcement action.

BLM makes recommendations to BIA concerning bond release or partial bond release for solid mineral operations.

Inside the SMCRA permits for coal mining, OSM has the lead. OSM conditionally approves, approves or disapproves applications for permits, permit renewals, or permit revisions for surface coal mining operations on Indian lands, and the applications for the transfer, sale or assignment of such permit rights on Indian lands as per 30 CFR 750.6 and 30 CFR Part 773. OSM conducts inspections and takes enforcement actions, consults with BIA concerning non-mineral impacts and with BLM concerning development, production and recovery of the resource. OSM approves operator environmental bonds and liability insurance for mining operations and reclamation and ensures compliance with NEPA requirements. (Environmental bonds are due after the decision is made by OSM to approve the permit but before the permit is issued as per 30 CFR 773.16.) OSM distributes copies of the permit application to Tribe, BIA, BLM, MMS, etc. as per 30 CFR 750.12 (b).

As per 30 CFR 773.6, upon receipt of an administratively complete permit package, OSM publishes a public announcement identifying the applicant, the description of the area to be mined, the location of the permit package and where comments should be sent. A copy of the notification goes to local, federal and state governmental agencies, as appropriate. Also, copies of the package are posted in public locations. Any persons with an interest, which may be adversely affected, may request an informal conference. The conference is held according to 30



CFR 773.6(c). A new permit or permit revision copies are provided to BIA, BLM, and Tribes with a request for comments.

OSM collects fees for administrative completeness review, technical review, and a per acre disturbance fee which are not Trust funds.

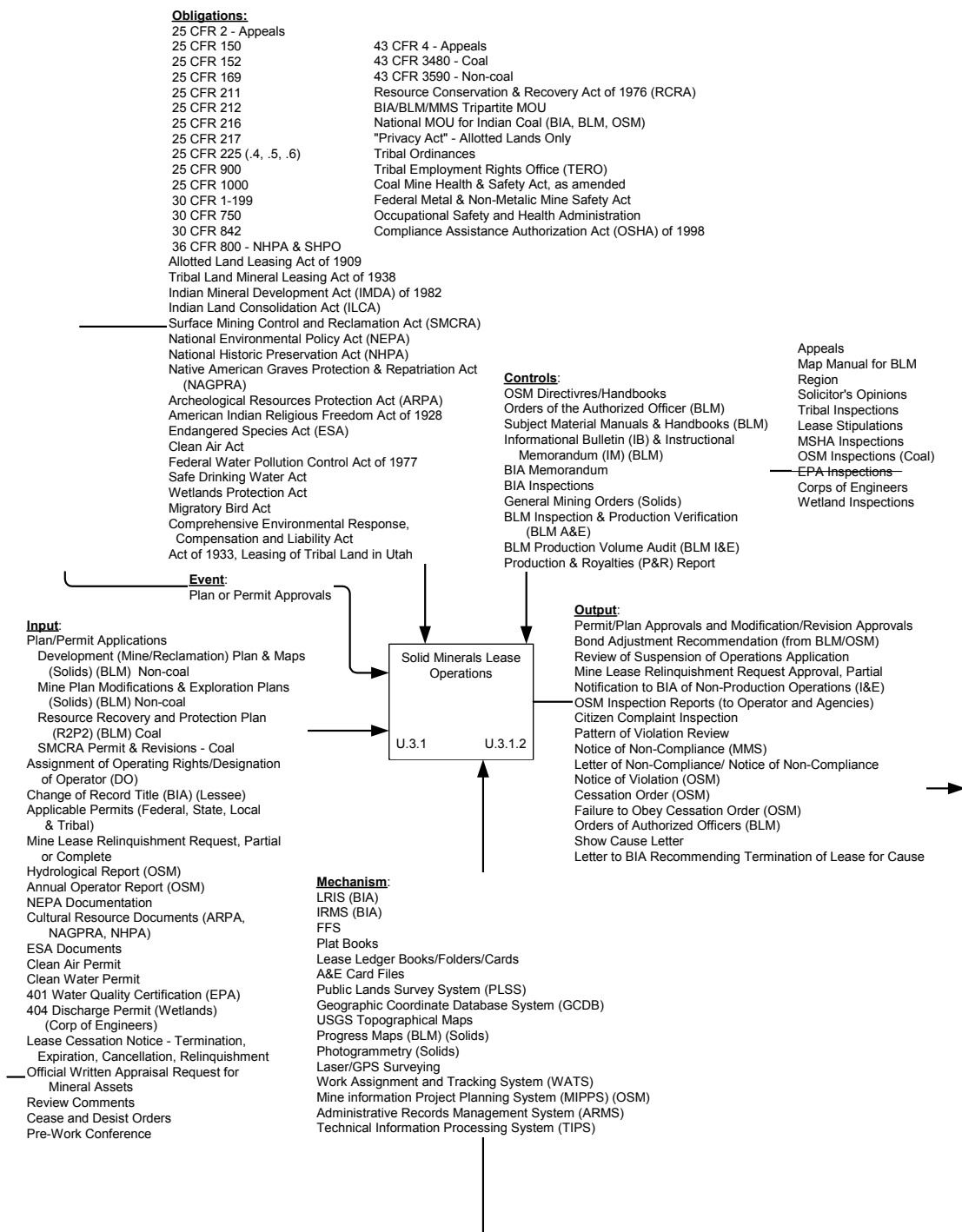


Figure 4.3.6- 21 Solid Minerals Lease Operations IDEF (0)



Solid Minerals Inspection & Enforcement (U.3.1.3)

Starts with: Approve operations.

Ends with: Release bond(s) or the final reclamation inspection report approval if the associated bond is a nationwide or reservation-wide bond.

The solid minerals inspection and enforcement process is intended to insure that operations are accomplished in an environmentally sound and safe manner, recovery of the resource is maximized and that there is an accurate accounting of production and royalties. The process is designed to enforce compliance with lease terms, approvals and applicable regulations. BLM conducts inspections as per 25 CFR 216, 43 CFR 3480.0-6, as needed, but at least quarterly, for product verification, resource recovery and protection, to ensure that degradation of other resources is avoided or minimized and for compliance with laws, rules, orders, terms and conditions of the lease and/or license and requirements of the approved exploration or resource recovery and protection plan. Additional requirements for inspections are found in 43 CFR Subpart 3486. BLM authorized officer carries out enforcement actions including notices of noncompliance and cessation of operation orders.

On non-coal mineral operations, BLM conducts compliance, environmental, production verification and records inspections and carries out enforcement actions as per 43 CFR 3598. Enforcement actions include notices of noncompliance or cessation of operations orders (verbal or written).

For coal operations, OSM conducts inspections and monitoring according to 30 CFR Part 842. OSM conducts inspections to determine if there are violations of SMCRA, the regulations, conditions of the approved permit or the existence of any condition, practice that is a public health and safety issue or a threat to the environment. OSM carries out enforcement actions as per 30 CFR Part 843, including: cessation orders, notices of violation, and suspensions or revocation of permits. OSM assesses civil penalties under 30 CFR Part 845 and individual civil penalties against corporate director, officer or agent of a corporate permittee under 30 CFR Part 846 for various violations of the act, regulations or conditions of the approved permit.

Mine Safety and Health Administration (MSHA) is responsible for enforcement of the Federal Coal Mine Safety and Health Act of 1969 and MSHA regulations. Also, on Indian land EPA has jurisdiction for clean drinking water, water quality and clean air and may conduct inspections in this regards as part of the lease operations process.

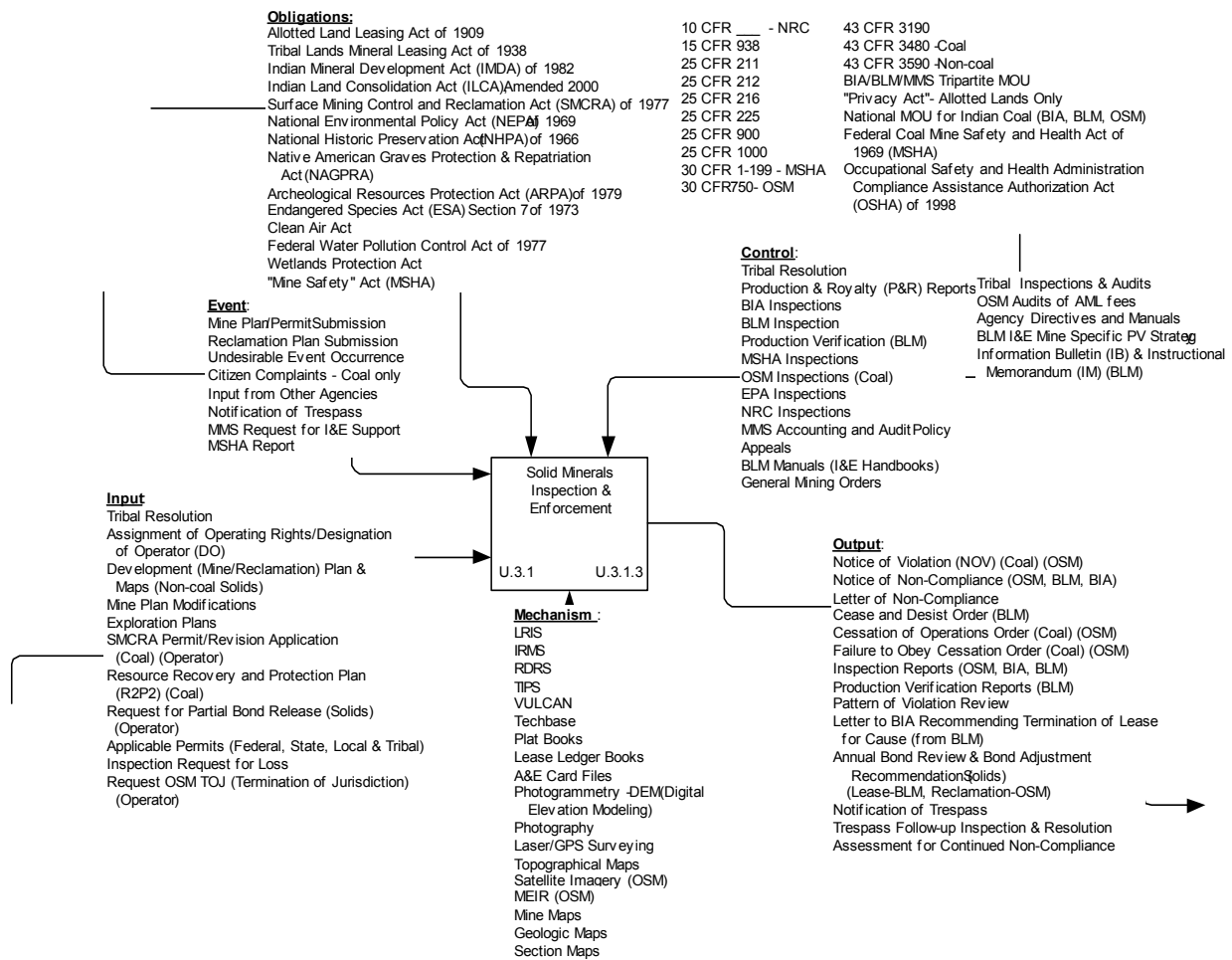


Figure 4.3.6- 22 Solid Minerals Inspection & Enforcement IDEF (0)



Solid Minerals Reclamation (U.3.1.4)

Starts with: Surface disturbance.

Ends with: Accept the reclamation efforts and Final On-Site Inspection Report for non-coal mining by the BIA Line Official. For coal mining, Phase 3 release and OSM Termination of Jurisdiction (TOJ).

The solid minerals reclamation process is the restoration of the leased/permitted tract consistent with the approved Reclamation Plan and lease/permit terms. For some commodities the process is ongoing throughout the life of the lease/permit and beyond. For coal mining the process ends with the Phase 3 release and OSM Termination of Jurisdiction (TOJ). For non-coal mining the day-to-day reclamation activities are part of the solid minerals lease operations process and ends with a Final On-Site Inspection Report and a BIA Line Official acceptance of the reclamation efforts.

The three coal mine reclamation phases are; grading, re-vegetation, and successful completion of the 10-year reclamation demonstration period. The OSM environmental responsibilities are for impacts within and outside of the permit area.

BLM is responsible for approval of the technical aspects of non-coal mining operations on Trust lands. BLM receives the Backfill and Grading Report from the Operator on a solid mineral lease and participates in a Joint On-Site Reclamation Inspection. A letter of recommendation is sent to the BIA Line Official regarding acceptance of the reclamation efforts. OSM approves the reclamation plan as part of the permit approval process before a permit to mine coal is issued. OSM conducts compliance inspections for coal reclamation on Indian Trust lands as per the approved reclamation plan.

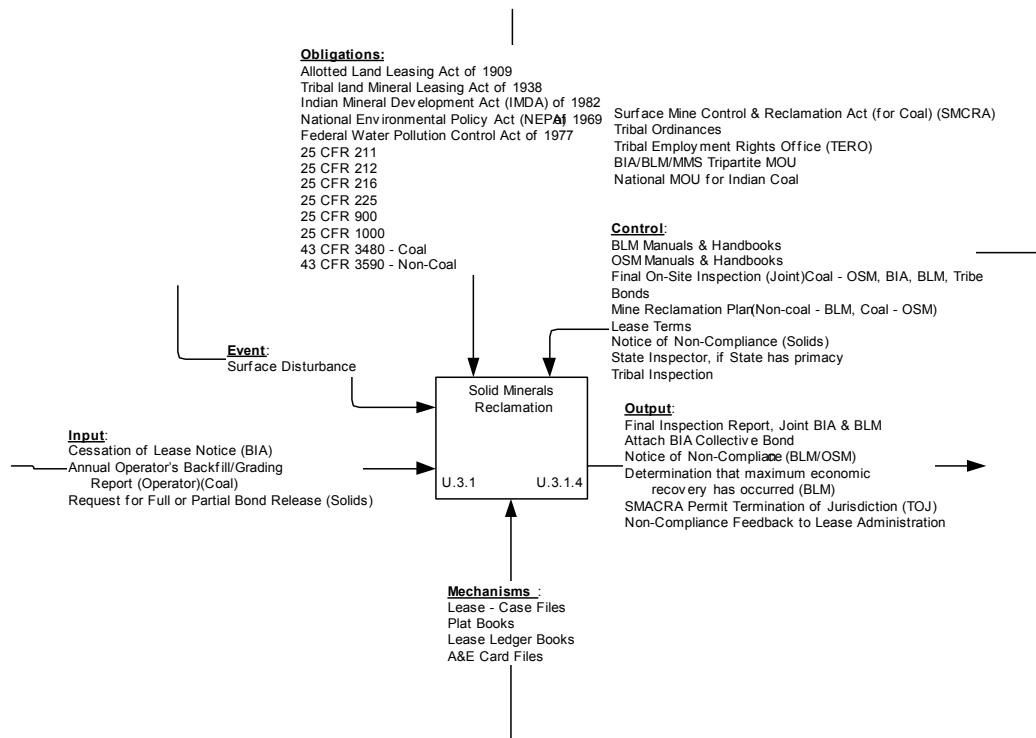


Figure 4.3.6- 23 Solid Minerals Reclamation IDEF (0)



4.4.6.4.2 MMS Solid Minerals Revenue Management (U.3.2)

Starts with: Beginning with a revenue stream through any one of several events.

Ends with: Distribute the Financial Distribution Report (FDR) and complete audits or the beneficiary receives the final royalty check.

The MMS solid minerals revenue management sub-process is further broken down into three sub-processes:

- a) MMS solid minerals revenue accounting
- b) MMS solid minerals revenue distribution and disbursement
- c) MMS solid minerals revenue compliance

The accounting and disbursement activities are done in series while the compliance activities are concurrent and parallel with the accounting and disbursement sub-processes. A description of each of these three sub-processes follows.

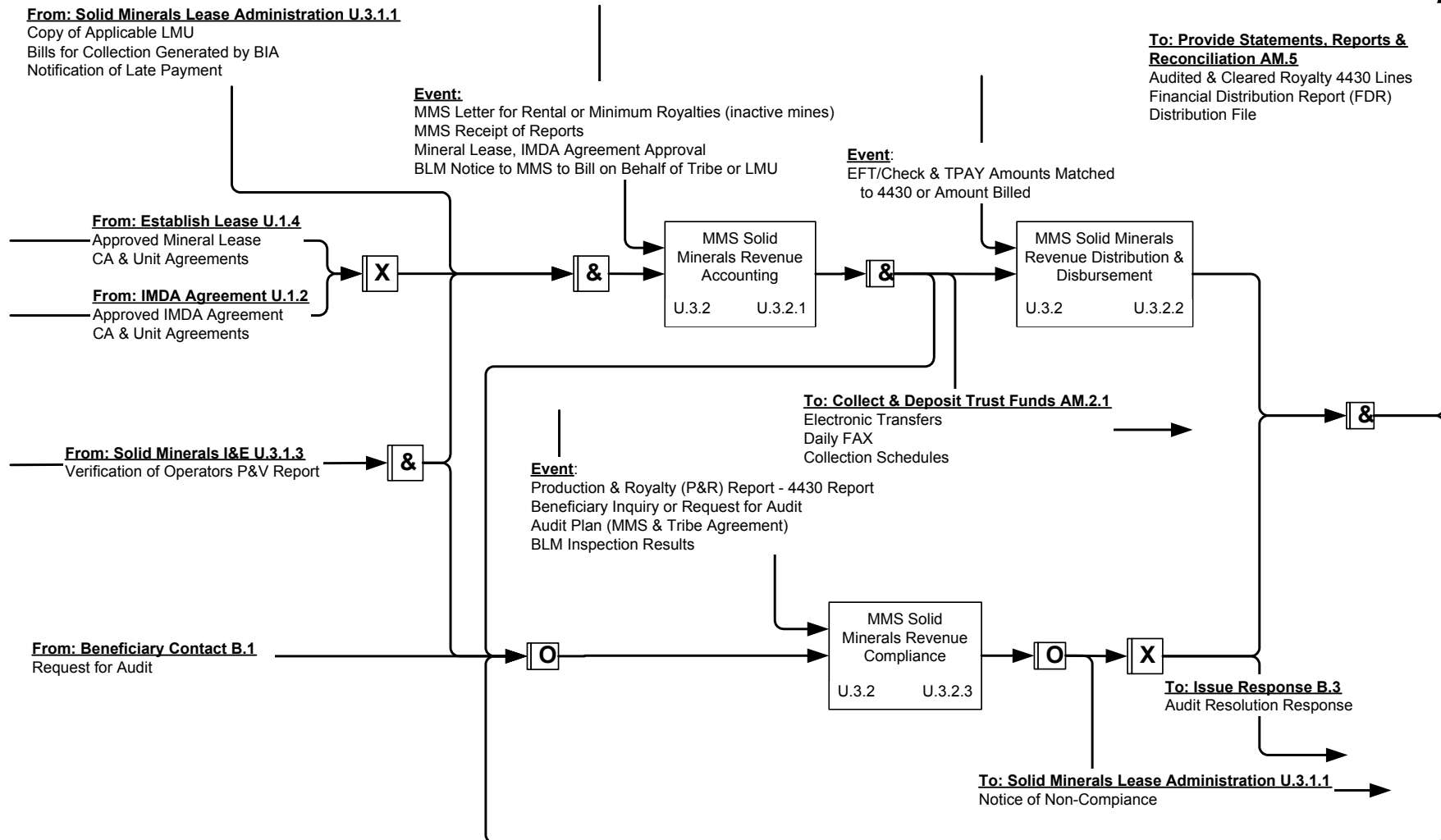


Figure 4.3.6- 24 Solid Minerals Revenue Management IDEF (3)

MMS Solid Minerals Revenue Accounting (U.3.2.1)

Starts with: Beginning with a revenue stream through any one of several events.

Ends with: Payment of the last royalties or final audit completion.

The MMS solid minerals revenue accounting process involves the recording and accounting for mineral revenues from Trust lands. Unlike fluid minerals payments, all solid mineral payments are direct pay and the Department does not handle the funds.

MMS does not collect royalties from solid minerals on Tribal Trust lands, but, does the accounting for solid minerals royalty payments. MMS receives Production and Royalty Reports from the Payor /Operator, sales summary, facility and processing data, and performs accounting services. MMS tracks Payor information on MMS-4030, Solid Minerals Payor Information Form. MMS-4059, Solid Minerals Operation Report for the production and disposition of raw materials (Part A) and for the report of sales from a facility beyond the mine site (Part B). Also, MMS may generate Orders or Bills for Collection on behalf of Tribes.

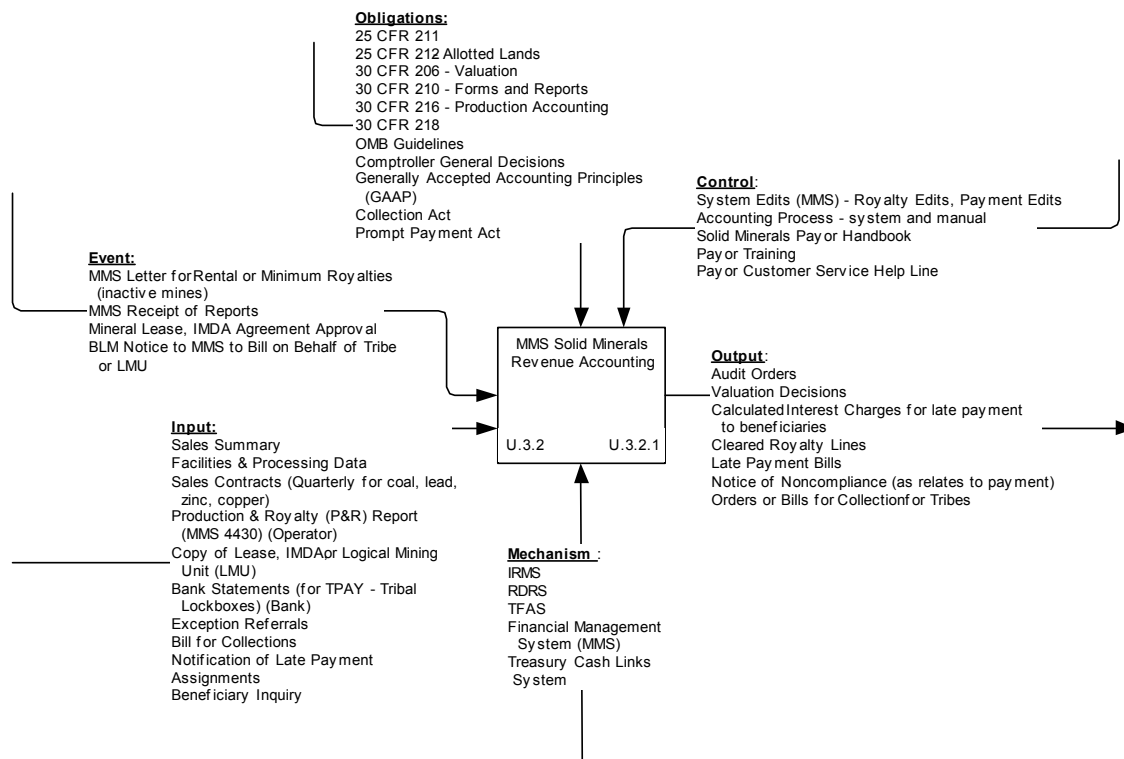


Figure 4.3.6- 25 MMS Solid Minerals Revenue Accounting IDEF (0)



MMS Solid Minerals Revenue Disbursement (U.3.2.2)

Starts with: Matching 4430 report lines to EFT/Check & TPAY amounts.

Ends with: Issue the associated Financial Distribution Report (FDR) by MMS.

The MMS solid minerals revenue distribution & disbursements process is an auditing activity and starts with the matching of 4430 report lines to EFT/Check & TPAY amounts. MMS issuance of an associated Final Financial Distribution Report (FDR) signifies the end of the process.

MMS receives the following reports (not inclusive):

- a) MMS 4025, Payor Information Form, used to track payors
- b) MMS-4430, Production and Royalty (P&R) Report, provides production, royalty and payment information from the payor.

MMS Financial Management Module (PeopleSoft) matches known payments with reports and carries out royalty edits. MMS then sends Financial Distribution Report (FDR) to Tribes, BIA and OST/OTFM. When allotted lands are involved, disbursement and EOP transmittal to the Indian Mineral Owners occurs through OST/OTFM (goes through BIA in Reston, Va., first). MMS transmits an electronic file containing payment data on a lease basis to the National Business Center in Denver, Colorado along with print and data files.

The FDR is an explanation of the payment generated by MMS for direct pay and available on CD ROM media. Distribution of the data is on hold because of the Temporary Restraining Order prohibiting the use of the Internet. When allotted lands are involved, OST/OTFM distributes royalty checks and FDRs using BIA generated print files and updates information in TFAS.

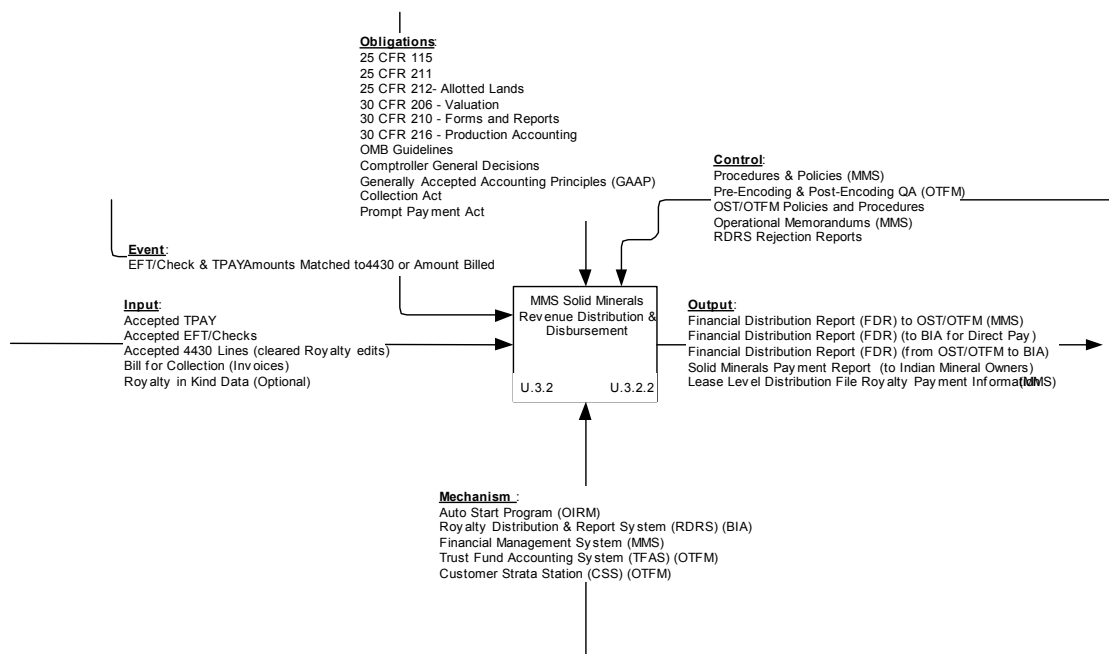


Figure 4.3.6- 26 MMS Solid Minerals Revenue Distribution & Disbursement IDEP (0)



MMS Solid Minerals Revenue Compliance (U.3.2.3)

Starts with: Request for audit or beneficiary inquiry, Production & Royalty (P&R) Report, audit plan, or BLM inspection results.

Ends with: Resolve audit request or response to beneficiary.

The objective of the MMS solid minerals revenue compliance process is to ensure and confirm that payments are being made in a timely manner and in the correct amount to the correct beneficiaries. Revenue compliance is an MMS ongoing process, throughout the duration of revenue generation and payment. Since MMS does not receive royalty or rental payments it's activities are based on Operator reports (4430) and reports from other Agencies.

MMS levies assessments for incorrect or late reports and for failure to report under 30 CFR 216.40 and 218.40. MMS issues bills for collection when Payor over-recoupment has occurred.

Also, MMS performs audits as requested and issues the following documents:

- a) letters, Orders & assessments
- b) bills for interest, over-recoupment, royalty, or rentals processed by MMS on behalf of the Tribe
- c) late payment bills processed by MMS on behalf of the Tribe
- d) MMS Notice of Noncompliance related to payments and associated penalties
- e) audit resolution responses sent to a beneficiaries as a result of a request for audit
- f) Reports of MMS observed irregularities.

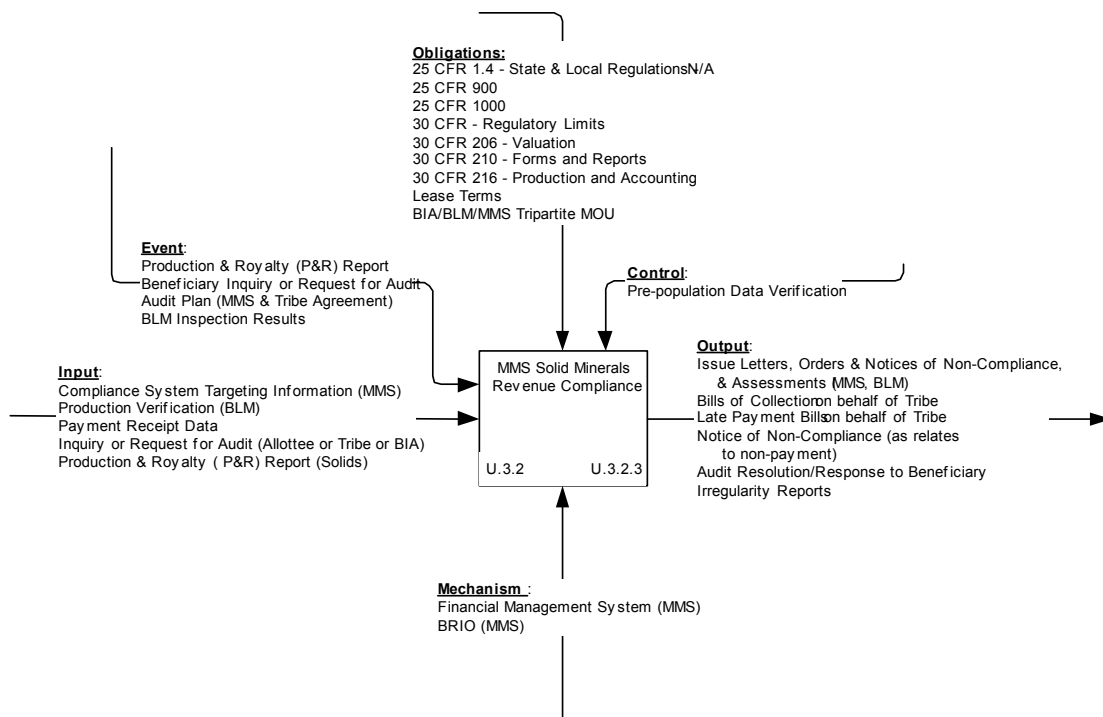


Figure 4.3.6- 27 MMS Solid Minerals Revenue Compliance IDEF (0)



4.3.6.5 Cessation of Mineral Lease (U.4)

Starts with: Recognize that a lease has expired on its own terms, a Notice of Surrender or Relinquishment from the lessee, a Corrective Action Notice resulting in cancellation, or production ceases for economic reasons.

Ends with: Notify the LTRO/TSO/TSC to remove the lease related encumbrances from the associated tract(s).

Lease cessation process starts with any one of the reasons noted above. A lessee appeal can extend the lease until resolved. Lease cessation does not relieve the lessee of obligations for royalty payments due from production during the period of the lease or reclamation. The objective of the cessation of lease process is to end the lease rights in an orderly and controlled manner.

BIA handles all activities associated with the cessation of lease rights whether from cancellation, surrender, termination or expiration of the lease. After the 30-day appeal period has expired, the BIA Agency advises the LTRO/TSO/TSC to remove the lease encumbrance from the title. In the case of a bankruptcy filing by the lessee or Operator, BIA files as a creditor with the bankruptcy court.

If there was mineral production on the lease, BLM conducts a final inspection prior to making recommendations to BIA concerning adequacy of reclamation and any additional outstanding obligations that the lessee/Operator might have. MMS advises BIA of outstanding financial obligations relating to rentals, royalties, interest, etc. After notification, the Tribe has an opportunity to re-negotiate and participates in the final inspection of Tribal lands.

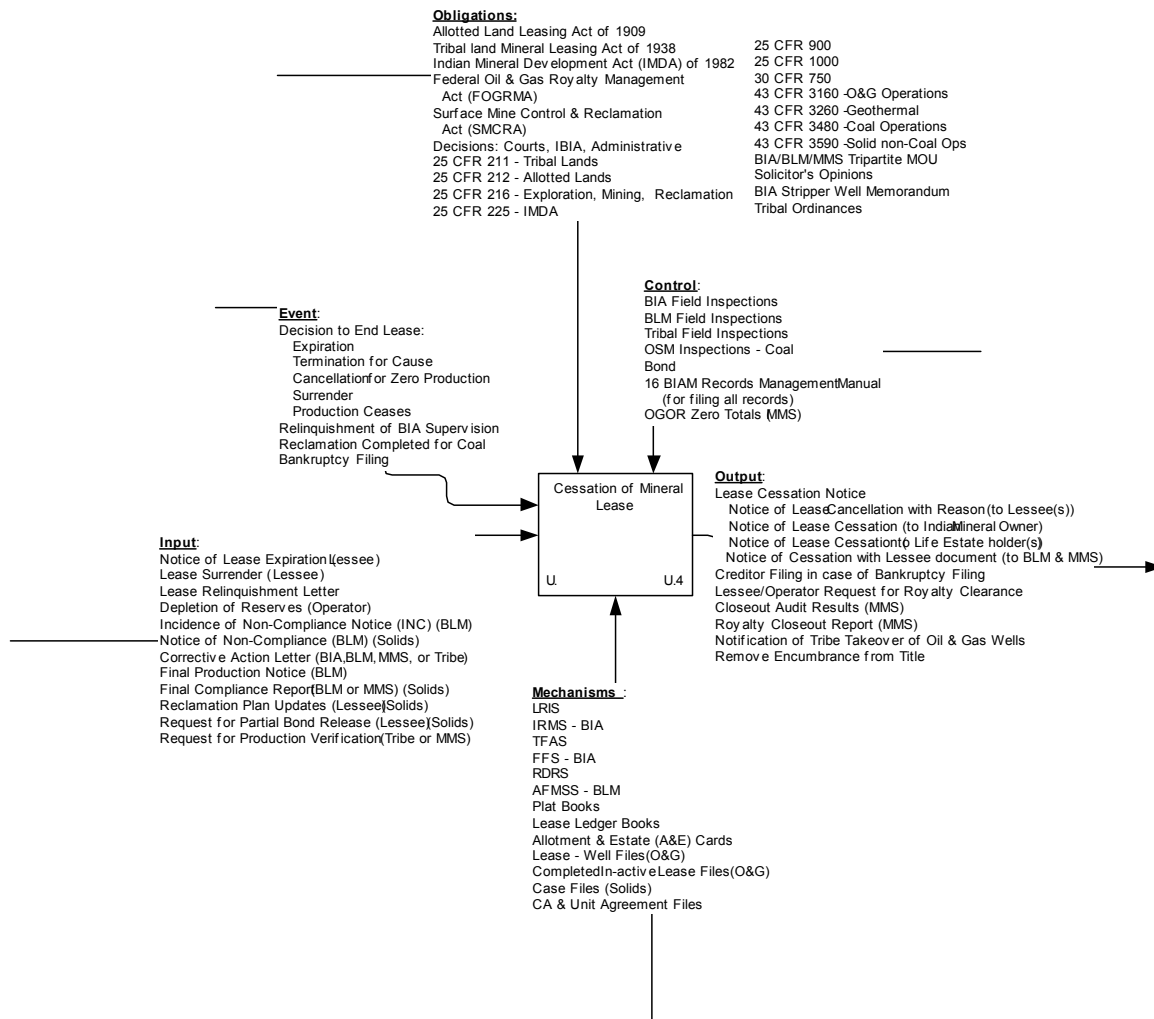


Figure 4.3.6- 28 Cessation of Mineral Lease IDEF (0)



Beneficiary Involvement for Cessation of Mineral Lease

The Tribe or allottee receives notice from BIA that the lease has ended and a notice from MMS of last royalty payment.

Cessation of Mineral Lease Significant Notes

- a) Responsibility for post-lease maintenance of water treatment facilities associated with oil and gas operations is not clear and requires funding.



4.3.6.6 Mineral Bond Management (U.5)

Starts with: Complete the Final Inspection Report, Royalty Clearance and Abandonment/Reclamation Approval Notice for oil and gas and non-coal solid minerals. For coal, establishment of grading and backfilling.

Ends with: Release lease bond or a lease bond call for oil and gas and non-coal solid minerals. For coal, completion of a 10-year observation period.

The minerals (lease) bond management process for oil and gas focuses primarily on the conditions necessary for the release of the bond, whether it is a lease bond or a reservation-wide or nationwide bond. It starts with a Final Inspection Report, Royalty Clearance and Abandonment/Reclamation Approval Notice and ends with either a lease bond release or a lease bond call depending on whether lease terms and obligations have or have not been satisfied.

The OSM minerals (reclamation) bond management process for surface coal mining takes a three phase path; establishes grading and backfilling, establish vegetation, and a 10-year observation period. Since reclamation activities can start soon after the initial production, the OSM reclamation bonds can be partially released upon the Operator's request and the Operator may establish a replacement bond during the course of the lease. The OSM reclamation bond release process ends at the conclusion of the 10-year observation period, OSM's release of the reclamation bond, and OSM termination of jurisdiction.

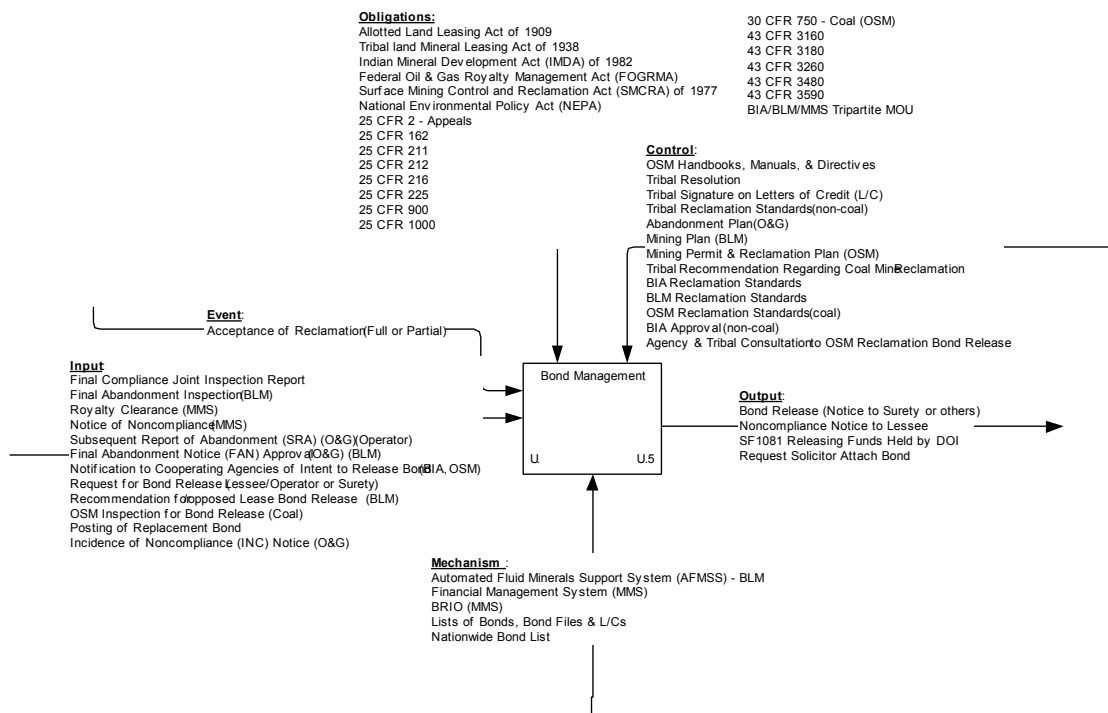


Figure 4.3.6- 29 Minerals Bond Management IDEF (0)



Beneficiary Involvement for Mineral Bond Management

Beneficiaries are not involved in the bond management process.

Mineral Bond Management Significant Notes

No significant notes for lease bond management.



4.3.6.7 Subsurface Asset Management Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.6- 1 Great Plains Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Great Plains Region	Mechanism	The Management Accounting & Distribution System (MAD) is an information system maintaining ownership, lease status, rental information and payout, tract listings, and bonus bid payment information for non-producing leases. The MAD system is being used in lieu of the Integrated Reports Management System (IRMS).	Procedural	A local improvement on the Integrated Records Management System (IRMS) that is more efficient. MAD contains ownership, lease status, rental information and payout, tract listings, and bonus bid payment information for non-producing leases.	High	Medium
Great Plains Region	Mechanism	Allotment and Estate (A&E) Card information is being recorded in MS Excel spreadsheet files.	Procedural	Placing allotment and estate information in electronic media represents an enhancement of the record keeping and reduces the risk of lost data at the local level.	Medium	Minor



Table 4.3.6- 2 Midwest Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Mechanism	The Management Accounting & Distribution System (MAD) is an information system maintaining ownership, lease status, rental information and payout, tract listings, and bonus bid payment information for non-producing leases. The MAD system is being used in lieu of the Integrated Reports Management System (IRMS).	Procedural	An improvement on the Integrated Records Management System (IRMS) that is more efficient. MAD contains ownership, lease status, rental information and payout, tract listings, and bonus bid payment information for non-producing leases.	High	Medium
Great Lakes Agency	Comments	BIA inspections are not being done for the three wells in their territory because of a lack of qualified personnel and the wells are in a remote location.	Staffing Location	There is a low level risk related to the Operator being in compliance.	Medium	Minor
Great Lakes Agency	Comments	The field office is unaware of any BLM or MMS compliance inspections, certified Petroleum Engineering Technician (PET) inspections, diligence, drainage & spacing inspections by a Geologist or Engineer, or production verifications for the three wells in their territory in the past 14 years.	Communications	There is a low level risk that the royalties have been under paid. BLM is conducting inspections of these wells, but reports have not been sent to BIA.	Medium	Minor
Midwest Region	Mechanism	Various commercial off the shelf (COTS) programs are being used to track name, address, ownership, majority age, inheritance and other	System Constraints	COTS programs are being used for local handling of information prior to inputting data into other	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		changes.		systems. This facilitates local efforts and efficiency associated with the immediate task but creates some redundancy of data input and increases the long term potential for error.		
Great Lakes Agency	Location	The Great Lakes Agency does its own surveys using their own staffs or contractors, BLM markers and sub-division layout or road survey data.	Funding	The agency has difficulty obtaining timely BLM surveys. This is primarily a budget problem and may change with increase in BIA cadastral funding for FY03. The Department is at risk in terms of legal exposure associated with potential errors in boundary determinations. BLM is only official survey agency within the Department.	Medium	Medium
Great Lakes Agency	Control Input	The Great Lakes Agency is not receiving Oil & Gas Operations Report (OGOR).	Communications	Field office does not have appropriate production data on which to base royalty distribution.	High	Minor
Great Lakes Agency	Input Output Comments	The Great Lakes Agency has not received a Financial Distribution Report (FDR) since the 2014 Monthly Report has gone on-line and the issuance of the December 5, 2001 Cobell lawsuit related Temporary Restraining Order	System Constraints	Field office does not have appropriate royalty payment data on which to base royalty distribution.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		(TRO) restricting internet access.				

Table 4.3.6- 3 Eastern Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.6- 4 Alaska Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Anchorage Field Office Bethel Field Office Fairbanks Field Office	Location	The BIA Field Office rather than the BIA Agency Office performs review and preparation of recommendations and findings.	Staffing	As a consequence of an inability to staff the agencies with sufficiently qualified personnel it has been necessary to shift workload to the field offices in major population centers.	High	Major
Alaska Region	Mechanism	The Land Record Information System (LRIS) has not been used in Alaska. The Department is using the State of Alaska Title Services Office (TSO) in lieu of a LTRO/TSO.	Procedural	Title records had been maintained by the State of Alaska because of historical and local conditions of territorial size, dispersion of sites, and weather factors. Insufficient information	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				was provided to ascertain the business impact. Data is not available in BIA databases.		

Table 4.3.6- 5 Northwest Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northwest Region	Control	Idle Tract Information Reviews are not performed.	Procedural	There is a possibility that potential revenue generating leases could be missed.	Medium	Minor
Northwest Region	Output	A Certified TSR is always requested in pre-lease process.	Procedural	Requesting a certified TSR in the pre-lease process minimizes risks associated with owner identification as the process proceeds to lease approval, but lengthens the pre-lease process.	Medium	Minor



Table 4.3.6- 6 Eastern Oklahoma Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Five Civilized Tribes of Oklahoma	Obligation	Act of May 27, 1908; Five Civilized Tribes. This act sets out the basic alienation scheme for allotted lands of the Five Civilized Tribes of Oklahoma including the District Court leasing of Indian lands instead of BIA. This scheme differs from the one in common use in other regions.	Federal Law	District Court leasing of Indian lands instead of BIA leasing. The District Court leases are contracts between the Indian mineral owner and the lessee. This scheme differs from the one in common use in other regions where the lease contract is between the federal government and the lessee.	High	Major
Five Civilized Tribes of Oklahoma	Obligation	Act of August 4, 1947, Section 11; Five Civilized Tribes of Oklahoma Land Act. Commonly referred to as the Stigler Act this confirms that the Oklahoma District Courts are vested with jurisdiction to approve all conveyances of restricted lands, including leases.	Federal Law	Five Civilized Tribe pre-lease activities, for inherited lands held by descendants with 50% or greater Indian blood, are the responsibility of the potential lessee and a commercial lease contract form is used. Each Indian Mineral Owner signs the commercial lease and the potential lessee files a partition for an Approval Hearing with a District Court. At the time of the filing there is a public notice and the potential	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				lessee notifies the DOI Solicitor's Office. The Solicitor has 10 days to prepare a position regarding the partition. There are 40 counties in which a partition may be filed. Original allottees still use the basic Departmental leasing processes for mineral leases. Legislation was proposed, HR2880, to cancel the variances caused by the Stigler Act of 1947, but did not pass the most recent Congress. The act also proposed that all restricted lands to the oil and gas conservation laws be subjected to the State of Oklahoma including orders of the Oklahoma Corporation Commission, if approved by the Secretary.		
Five Civilized Tribes of Oklahoma	Obligation	25 CFR 116; Creation of Trusts for Restricted Property of Indians, Five Civilized Tribes of Oklahoma	Regulation	This CFR Part delineates unique regulations for establishing a trust for restricted lands.	Medium	Medium
Five Civilized Tribes of Oklahoma	Obligation	Act of May 10, 1928 (45 Stat. 495). Among other actions, this act applied Oklahoma's gross	Federal Law	An additional cost associated with production from Indian leases and adds	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		production taxes to all minerals produced from restricted allotted Five Civilized Tribe lands.		an accounting complexity to the allocation of royalties.		
Five Civilized Tribes of Oklahoma	Obligation	State of Oklahoma Conservation Laws; Oklahoma conservation laws replace federal laws enabling the Oklahoma Corporation Commission (OCC) to manage leases with the Secretary's oversight.	Federal Law	This is a consequence of the Stigler Act. Working with a set of conservation laws that differ from the normally applicable federal laws requires extra training and reporting procedures.	High	Major
Five Civilized Tribes of Oklahoma	Event	Notification of Petition Filing in District Court. Five Civilized Tribe pre-lease activities, for restricted inherited lands held by descendants with 50% or greater Indian blood, are the responsibility of the potential lessee and a commercial lease contract form is used. Each Indian Mineral Owner signs the commercial lease and the potential lessee files a petition for an Approval Hearing with a District Court.	Federal Law	Petitions for an approval hearing are filed with District Courts. At the time of the filing there is a public notice and the potential lessee notifies the DOI Regional Solicitor's Office. There are approximately 100 petitions filed per year spread over roughly 40 county District Courts in Oklahoma. The DOI Regional Solicitor's Office has 10 days to prepare a position on each petition. This process shifts the workload for Five Civilized Tribe allotted mineral leases from BIA to the DOI Solicitor's Field Office.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Five Civilized Tribes of Oklahoma	Event	Submission of Oklahoma Corporation Commission (OCC) Orders for Secretarial Approval.	Federal Law	BIA reviews OCC orders. This is an additional task not performed elsewhere in the country.	Medium	Major
Five Civilized Tribes of Oklahoma	Event	District Court Lease Issued	Federal Law	The leasing process is controlled and documented by the District Courts in Oklahoma for allotted land leases, not the BIA.	Medium	Major
Five Civilized Tribes of Oklahoma	Output	Ratification of District Court leases	Federal Law	This is an additional task not performed elsewhere in the country.	Medium	Major
Five Civilized Tribes of Oklahoma	Input	A Title Status Report (TSR) is not used for District Court Leases.	Procedural	Oklahoma District Courts do not request a certified TSR or an uncertified TSR. The Five Civilized Tribes maintain their own title records, not the BIA LTRO/TSO.	Medium	Medium
Five Civilized Tribes of Oklahoma	Input	For District Court leases the Indian Mineral Owner receives their bonus and 1 st year rental directly from the lessee.	Procedural	The Indian mineral owner (IMO) doesn't receive money upfront and if there is a default the IMO gets nothing. If there is earnest money the IMO gets to keep it if there is a default. Since the leases are established through the District Court the initial transactions are not within	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				the control of BIA or OST. This can result in a data void in Trust records.		
Five Civilized Tribes of Oklahoma	Input	Submission of District Court Orders to the BIA Regional Office for approval. Upon request BLM performs a technical review of geology and environment. Regional Solicitor's Office also reviews and may object at the hearing if there is insufficient time for BIA & BLM reviews.	Procedural	This step, 10-day review period with possible extensions, in the District Court procedure allows DOI an opportunity to assure the lease conforms to all applicable regulations.	Medium	Medium
Five Civilized Tribes of Oklahoma Osage Agency	Control	Osage and Five Civilized Tribes maintain their own surface compliance records.	Federal Law	The Osage and Five Civilized Tribes track their own operator surface compliance records. Consequently, their operator experience is not captured in BIA records.	Medium	Major
Five Civilized Tribes of Oklahoma	Control	The Oklahoma Corporation Commission (OCC) issues spacing orders that BLM reviews and concurs with before they are published.	Federal Law	The arrangement between OCC and BLM establishes a shared responsibility for spacing. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Five Civilized Tribes of Oklahoma	Organization	BIA will "shop" the District Court leases prior to issuance to obtain a better deal for the Indian Mineral Owner. The District	Procedural	BIA will attempt to arrange a better deal for the Indian mineral owner. However, the window of opportunity	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Court can override any deal BIA sets up. District Court approval makes a lease binding.		for this activity is limited by the speed at which the District Court moves to issue a lease. This is an unfunded activity for BIA.		
Five Civilized Tribes of Oklahoma	Organization	Oklahoma Corporation Commission (OCC) is responsible for reclamation oversight. BIA does not have line item funding for reclamation on restricted allotted Five Civilized Tribes lands.	Federal Law	BIA does not now have funding for this activity on Trust allotted lands of the Five Civilized Tribes. Funding would be required for reclamation if this situation were changed.	Medium	Major
Osage Agency	Input	Osage use a local database in lieu of a Certified Title Status Report (TSR).	Procedural	The Osage Tribe maintains its own title records, not the BIA LTRO/TSO. Surveys have been done for the entire Osage Reservation and new surveys are not done for competitive lease sales. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Osage Agency	Input	A programmatic NEPA documents, EIS, EA and FONSI, are used as a standard for all Osage leases.	Procedural	Use of a programmatic EIS, EA and FONSI saves time and cost in the leasing process.	Medium	Minor
Osage Agency	Input	A Fish & Wildlife finding regarding threatened and endangered species is used as the	Federal Law	Existence of threatened and endangered species requires additional efforts to review	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		ESA Findings		and mitigate impacts.		
Osage Agency	Obligation	Act of June 28, 1906; Division of Lands and Funds of Osage Indians and for Other Purposes, 34 Stat. 539.	Federal Law	This is the basic act for the allotment of the surface to the members of the Osage Tribe and the reservation of the coal, oil, gas and other minerals to the Tribe. This has resulted in there being no allotted minerals activity on the Osage Reservation.	Medium	Major
Osage Agency	Mechanism	Local use database programs.	System Constraint	User-friendly COTS programs are being used for local handling of information. Compatibility with DOI systems is not known.	Medium	Major
Osage Agency	Mechanism Control	Osage Agency determines Fair Market Value by using a Monte Carlo statistical simulation modeling tools for evaluation/market value estimates.	Procedural	By using a simulation modeling tool, evaluations are completed quickly and there is a consistency in the process. Minimum bid levels have been set and evaluations are not done for each competitive lease sale, reducing time and effort.	Medium	Medium
Osage Agency	Output	The Osage Agency is the repository of record for all Osage land records.	Federal Law	The Osage Agency does not rely on the common DOI Trust management systems. Consequently, these land	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				records are not contained in DOI maintained systems.		
Chickasaw Agency Miami Agency Okmulgee Field Office Tahlequah Field Office Osage Agency	Output	Notifications to BLM and MMS of the lease and notification to the Company to contact MMS are not applicable.	Procedural	Neither BLM nor MMS service the Osage Nation.	High	Major
Osage Agency	Output	The Osage Agency issues a Superintendent's order to remedy problems rather than a Show Cause Order.	Procedural	The order to remedy is a lower level of escalation and produces the desired results.	Medium	Minor
Osage Agency	Control	The Osage Nation conducts its own Tribal audits.	Federal Law	The full audit burden is on the Osage Nation.	Medium	Major
Osage Agency	Input	The Osage Agency prepares an annual report of estimated production on a per well basis.	Procedural	This is an Osage unique report.	Medium	Low
Osage Agency	Input	Osage unique O&G reports from producers –: #133 – Oil – Individual #157 – Oil – Multiple #300 – Water Flood #101 – Gas #101a – Liquid Natural Gas	Procedural	Reports received from operators in lieu of the OGOR.	Medium	Low
Osage Agency	Mechanism Control	The Osage Agency has its own Lease Management System and Minerals Accounting System. The Osage Agency does not use the Land Record Information System (LRIS) or the Integrated Records Management System	System Constraint	The Osage have a unique system for tracking leases in their primary term and/or while producing. The system includes a primary lease term list and a producing lease list. The	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		(IRMS) for producing leases.		Osage Lease Management System is used for evaluation of calculated index & MP, payment receipt data, purchaser reports, and sales reports. The system is also used for recording the highest posted price for each day of the year. Compatibility with DOI systems is not known.		
Osage Agency	Event	Osage Quarterly Payment to Head Rights Owners.	Procedural	Part of the Osage Nation annuity distribution plan. Removed the entire distribution effort from the Department.	High	Major
Five Civilized Tribes of Oklahoma Osage Agency	Obligation	25 CFR 115; Trust Funds for Tribes and Individual Indians is not applicable to the Osage Nation and Five Civilized Tribes.	Regulation	The Osage Nation and Five Civilized Tribes manage their own rentals, royalties, and fees. This limits OST's ability to track and manage Trust funds to the data provided by the Osage Nation and Five Civilized Tribes.	High	Major
Osage Agency	Obligation	25 CFR 117; Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency	Regulation	This CFR Part delineates unique regulations for members of the Osage Tribe of Indians who do not have certificates of competency.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				Insufficient information was provided to ascertain the business impact.		
Osage Agency	Mechanism	Osage Annuity System is used to distribute royalty.	Procedural	The Osage Annuity System is the Tribes plan for royalty distribution that they have established under the authority the Act of June 28, 1906. Removed the entire distribution effort from the Department.	High	Major
Osage Agency	Output	Gross Production Tax Report: Osage is subject to the Oklahoma Gross Production Tax.	Federal Law	Adds an accounting complexity to the allocation of royalties for the Osage Annuity distribution.	Medium	Major
Miami Field Office	Obligation	25 CFR 215; Lead and Zinc Mining Operations and Leases, Quapaw Agency	Regulation	This CFR Part delineates unique regulations for Quapaw mineral mining operations.	Medium	Major

Table 4.3.6- 7 Southern Plains Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Plains Region	Obligation Event	Act of 7/1998; Three Affiliated Tribes of Western Oklahoma	Federal Law	Insufficient information was provided to ascertain the business impact.		Major
Southern Plains Region	Mechanism	Southern Plains agencies use their	Procedural	The region is using a	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Input	own Real Estate Management System for title data in lieu of a LTRO/TSO Certified Title Status Report (TSR).		locally implemented real estate software module that differs from the more generally used LTRO/TSO systems. Compatibility with DOI systems is not known.		
Southern Plains Region	Mechanism	The Trust Assets Accounting Management System (TAAMS) is being used in the region.	Procedural	Implementation of the latest DOI sponsored accounting software system. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Southern Plains Region	Mechanism	Southern Plains agencies use a local database for tracking expired leases.	Procedural	Tracking of expired leases provides the region with additional management information.	Medium	Medium
Southern Plains Region	Output	Southern Plains does not use Allottee Consent forms.	Procedural	Allottee signature on the lease is sufficient for consent.	Medium	Minor
Southern Plains Region	Output	Southern Plains Region has established a minimum bond amount of \$2,500 for non-producing leases.	Procedural	Establishing a minimum bond amount insures that some level of bonding is in effect even for non-producing leases.	Medium	Minor
Southern Plains Region	Output	Start of the 30-day lease clock for submittal of Bond and Documents is the date of letter to the Company.	Procedural	Start date in other regions is the date of the BIA lease approval signature that may or may not be the date the letter is sent to the Company. The use of the	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				letter date gives the Company maximum time to respond.		
Southern Plains Region	Output	Southern Plains BIA offices do not notify MMS of ILCA provision Tribal acquisitions.	Procedural	Beneficiary royalty share information is conveyed at the time distribution data is forwarded for payments. Only nine of the 24 Tribes in the Southern Plains Region are served by MMS.	Medium	Minor
Southern Plains Region	Control	Southern Plains Region has a uniquely developed Oil & Gas Handbook.	Procedural	The Handbook is specifically tailored to the needs of the Southern Plains Region.	Medium	Minor
Southern Plains Region	Mechanism	Lessee Cards, Inheritance Cards and Tract Books are used in the Southern Plains Region.	Procedural	Manual systems are used in lieu of and as supplement to automated systems.	Medium	Minor
Southern Plains Region	Obligations Output	Kauley Settlement – Southern Plains	Legal - Court Settlement	The Kauley Settlement requires specific statements be prepared and provided to Indian mineral owners. These statements are extracted from Royalty Distribution & Report System (RDRS). The Kauley Settlement added an extra step to the overall process.	High	Major
Southern Plains Region	Mechanism	Southern Plains still uses an older version of the Integrated Records	Procedural	Their database is out-of-sync with the rest of the	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Management System (IRMS).		IRMS users. Also, the RDRS is a module of IRMS. The region continues to use the older version because they believe it is less error prone than the new version.		
Southern Plains Region	Output	Southern Plains agencies use desk reviews.	Procedural	Desk reviews provide an additional level of quality assurance.	Medium	Low
Southern Plains Region	Role	The Southern Plains Regional Director is the approving officer for arbitrations involving Compacted/Contracted Tribes.	Procedural	All arbitration involving Compacted/Contracted Tribes are escalated to the Regional Director adding an extra duty.	Medium	Low
Southern Plains Region	Control	Land Use Inventory Plan	Procedural	The region has a land use plan to use as a guide in decision making saving time and effort.	High	Medium

Table 4.3.6- 8 Rocky Mountain Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Mechanism	Trust Assets Accounting Management System (TAAMS) is used in the region.	Procedural	Implementation of the latest BIA sponsored accounting software system. The Rocky Mountain Region was the original test region	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				for TAAMS. Insufficient information was provided to ascertain the business impact.		
Rocky Mountain Region	Organization Location Role Input	All BLM evaluations are certified evaluations in the Rocky Mountain Region including Pre-Sale mineral appraisals and Opinion of Value Reports.	Procedural	The agency staff is relieved of the evaluation task, there is higher confidence in the evaluation and there is higher cost in preparation and longer time periods. Timing of appraisal is not as critical as making sure that an evaluation of the mineral asset occurs.	Medium	Minor
Rocky Mountain Region	Mechanism	National Indian Energy & Minerals Repository (NIEMR) is used as a data source.	Procedural	NIEMR is an optional tool used as a reference data source for identification of potential mineral deposits and quality of the deposits. This additional information enhances decision making.	Medium	Minor
Rocky Mountain Region	Mechanism	National Indian Seismic Evaluation System (NISES) is used as a data source.	Procedural	NISES is an optional tool used as a reference data source for identification of potential oil and gas deposits and extent of the reservoir. This additional information enhances decision making.	Medium	Minor
Rocky Mountain Region	Organization	Not all counties in the Rocky	County	The agencies can't use their	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Mountain Region will verify land ownership and it is necessary for the agencies to go to Title Companies for fee land title searches.	Regulation	own personnel to access public records but must retain a Title Company to obtain fee land title data.		
Fort Peck Agency	Mechanism Role	Fort Peck has an archaeological site database containing archaeological information on all sites in the Fort Peck Agency's area and does not need to perform a cursory review of the proposed lease sites.	Procedural	An investment had been made in an archaeological database and the benefits are a reduction in the number of field visits needed, saving time and money.	Medium	Minor
Rocky Mountain Region	Mechanism	Lease Record Information System (LRIS) is not in use in Rocky Mountain Region. The Trust Assets Accounting Management System (TAAMS) is used in the region.	Procedural	Implementation of the latest BIA sponsored accounting software system. The Rocky Mountain Region was the original test region for TAAMS. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Rocky Mountain Region	Mechanism	Each agency in the Rocky Mountain Region maintains its own Integrated Records Management System (IRMS) data.	Procedural	Local information is maintained locally. Note that this is done in conjunction with the use of the BIA DEMR NIOGEMS tracking system. This additional information enhances decision making.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Mechanism	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is used instead of the Integrated Records Management System (IRMS).	Procedural	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is a mineral resource tracking system developed by the BIA Division of Energy and Minerals Resources (DEMR). The system imports data from LRIS, IRMS and other government databases and provides greater flexibility and a broader range of data displays than IRMS.	Medium	Minor
Fort Berthold Agency Blackfeet Agency Fort Peck Agency	Location	Fort Berthold, Blackfeet, and Fort Peck Agencies issue Paleontology Permits	Procedural	In addition to other environmental and cultural permits these three Tribes have instituted a paleontology permit. This additional information enhances decision making.	Medium	Minor
Wind River Agency	Mechanism	Digital Maps; ArcView digital maps of every lease, CA and Unit Agreement within the State of Wyoming.	Memorandum of Understanding	The Wind River Agency has worked with the State of Wyoming to digitize all map information using the State Commission's database. This MOU has resulted in easier access to more reliable data.	Medium	Medium
Crow Agency	Organization	The State of Montana Department	Memorandum	In the Crow Agency's area	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		of Environmental Quality (DEQ) has primacy for coal operations of the Crow Tribe and is applying OSM regulations.	of Understanding	most coal is located under land in split estates with private surface ownership. The Montana DEQ has primacy instead of OSM for oversight and reclamation of coal mining leases including approval of the mining and reclamation plans and is using OSM regulations.		
Wind River Agency	Output	Wind River Agency does not notify Indian Mineral Owner of Lease Cessation.	Procedural	Wind River Agency does not invest the time and effort needed to notify Indian Mineral Owner of Lease Cessation. This could result in unanticipated fall off of royalties or rental income to IMO and increased beneficiary inquiry levels.	High	Minor
Rocky Mountain Region	Mechanism	Bond Tracking System	Procedural	Local spreadsheets are used to track bond in the Rocky Mountain Region. This is an improved business practice, can keep track of existing bonds.	Medium	Minor
Wind River Agency	Process Description	Exploration permits are prior to lease signing.	Procedural	Frequently before signing a lease, operators request an exploration permit that is a two-page document that	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				can be processed quickly. If the location is a new site, the operator takes the time to test holes and sample. A short-term permit can be in effect up to six months and a long term permit can be in effect from one to five years.		
Wind River Agency	Role	BIA hire 3 rd party contractors to do ESA clearance.	Procedural	Fish and Wildlife has directed BIA to hire 3 rd party contractors to do ESA clearance, this increases BIA costs.	Medium	Minor
Fort Peck Agency	Role	Ft. Peck Tribal appraisal office provides appraisals for sand and gravel.	Contracted	This is a contracted activity. Funds and responsibilities have been transferred to the Tribe.	Medium	Minor
Wind River Agency	Input	Does not notify Cooperating Agencies of Intent to Release Bond.	Procedural	The BIA Wind River Agency does not notify other agencies of intent to release a bond and these other agencies do not have an opportunity to object. All involved agencies should provide input on the bond release. It is generally the only way to collect from the lessee or operator.	High	Minor
Rocky Mountain Region	Output	BIA doesn't always let BLM	Procedural	If development occurs	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		know when they issue a sand and gravel lease on one of the 17 Reservations.		without BLM's knowledge no inspection and enforcement is carried out by BLM.		
Wind River Agency	Organization	Wind River Agency keeps maps of leased and unleased lands.	Procedural	Saves both time and money.	Medium	Minor
Crow Agency	Organization	The Crow Tribe is responsible for oversight and reclamation of coal mining leases including approval of the mining and reclamation plans.	Self-Determination	Completed under a 638 contract with BLM. Funds and responsibilities have been transferred to the Tribe.	Medium	Major

Table 4.3.6- 9 Navajo Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Shiprock Agency Western Navajo Agency Eastern Navajo Agency Chinle Agency Fort Defiance Agency Navajo Nation	Obligation Process Objectives	Shi Shii Kayah Settlement. Allottee leases are handled by the Farmington Indian Minerals Office (FIMO). The Navajo Region does not follow the standard royalty collection and disbursement process. All leases are Tribal and all payments are directly to the Tribe.	Legal - Court Settlement	A court settlement related to communications between the Department and the Navajo. The settlement prompted establishment of the Farmington Indian Minerals Office (FIMO). FIMO is a pilot office for the co-location of BIA, BLM, MMS and OST/OTFM staff dealing with Indian Trust Minerals.	High	Major
Shiprock Agency	Obligation	Mescal Settlement	Legal - Court	A court settlement that gave	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Western Navajo Agency Eastern Navajo Agency Chinle Agency Fort Defiance Agency Navajo Nation			Settlement	coal rights back to the Navajo but retained the existing federal land leases with the mining companies. Consequently, the BIA Agencies and Navajo Nation must use the non-BIA federal lease terms and conditions to administer related leases rather than BIA terms and conditions.		
Navajo Regional Director	Mechanism	Tribal Accounting System	Tribal Ordinance	A Tribal Accounting System with Account Code Numbers is used in the Navajo Region. Insufficient information was provided to ascertain the business impact.	Medium	Major
Navajo Regional Director	Obligation	Act of 1933, Leasing of Tribal Lands in Utah	Federal Law	Insufficient details to document the impact.		Major
Navajo Regional Director	Mechanism	Lessee Cards/Lessee Lists: Navajo Region maintains a Lessee Listing	Procedural	The Navajo Region maintains a Lessee Listing as an additional manual process.	Medium	Medium
Navajo Regional Director	Role Control Location Output	All approvals are by the Regional Director for the Navajo Region.	Procedural	There are no Agency Superintendents in the Navajo Region. Therefore all approvals are Regional Director actions.	Medium	Medium
Navajo Regional Director	Mechanism	The National Indian Oil & Gas Evaluation & Management	Procedural	The National Indian Oil & Gas Evaluation &	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		System (NIOGEMS) is used instead of the Integrated Records Management System (IRMS).		Management System (NIOGEMS) is a mineral resource tracking system developed by the BIA Division of Energy and Minerals Resources (DEMR). The system imports data from LRIS, IRMS and other government databases and provides greater flexibility and a broader range of data displays than IRMS.		
Navajo Regional Director	Organization	Responsibilities as noted in the Indian Coal Memorandum of Understanding (MOU) between BIA Navajo Region and OSM.	Memorandum of Understanding	The MOU determines roles and responsibilities for coal mining operations including Final On-Site Restoration Inspection Report, for pre-SMCRA coal leases. OSM has coal mine reclamation responsibility under SMCRA 1977 (Surface Mining Control & Reclamation Act of 1977).	Medium	Medium
Navajo Regional Director FIMO Manager	Organization Location	Memorandum of Understanding (MOU) between BIA Navajo Region and the Farmington Indian Minerals Office (FIMO).	Memorandum of Understanding	The MOU determines roles and responsibilities for oil and gas operations. The MOU represent a major organization change for the Navajo Region.	High	Medium
Navajo Regional Director	Organization	Responsibilities for inspections as	Memorandum	The MOU determines roles	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
	Location Obligation	noted in a Memorandum of Understanding (MOU) between BIA Navajo Region and EPA.	of Understanding	and responsibilities for environmental activities. Specifically, EPA inspects air and water quality and has primacy for UIC management and compliance.		
Shiprock Agency Eastern Navajo Agency	Organization	New Mexico State Division of Mines review of Coal Bed Methane.	Memorandum of Understanding	Insufficient information was provided to ascertain the business impact.	Medium	Medium
Navajo Regional Director Navajo Nation	Organization Obligation Control	Safety inspections in accordance with Tribal code under a co-op agreement with the BIA Navajo Region.	Co-op Agreement	The Navajo Nation has a co-op agreement with the BIA Navajo Region regarding safety inspections. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Navajo Nation	Organization Obligation Control	FOGRMA Section 202 Co-op inspections agreement between the Navajo Nation and BLM.	Co-op Agreement	The Navajo Nation has a co-op agreement with BLM for inspection and enforcement. This agreement is funded at 100% resulting in income to the Tribe and Tribal employment.	Medium	Medium
Navajo Regional Director Navajo Nation	Obligation Location	BIA Navajo Region/BLM/OSM Southwest MOU for Indian Coal.	Memorandum of Understanding	The MOU is being used in lieu of the National Coal MOU on the Navajo Reservation. Insufficient information	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				was provided to ascertain the business impact.		
Navajo Regional Director Navajo Nation	Obligation	BIA/BLM/EPA/Navajo Nation UIC Program MOU.	Memorandum of Understanding	There is a separate MOU in place covering UIC on the Navajo Reservation. Insufficient information was provided to ascertain the business impact.	Medium	Major
Navajo Nation	Mechanism	Techbase: Navajo Nation tool	Tribal Preference	The Navajo Nation has selected Techbase as their database tool. Insufficient information was provided to ascertain the business impact.	Medium	Medium
Navajo Nation	Beneficiary Involvement	The Navajo Nation and BLM have a co-op agreement related to oil & gas inspections.	Federal Law	The co-op agreement provides the Tribe with greater control of its Trust assets and promotes Tribal employment.	Medium	Major
Navajo Nation	Beneficiary Involvement	The Navajo Nation and MMS have a co-op agreement related to both solid mineral and oil & gas accounting.	Federal Law	The co-op agreement provides the Tribe with greater control of its Trust funds and promotes Tribal employment.	Medium	Major
Navajo Nation	Beneficiary Involvement	The Navajo Nation and OSM have a co-op agreement related to surface coal mine development and inspections.	Federal Law	The co-op agreement provides the Tribe with greater control of its Trust assets and promotes Tribal employment.	Medium	Major
Navajo Nation	Beneficiary Involvement	The Navajo Nation and MSHA have a co-op agreement related to	Co-op Agreement	The co-op agreement provides the Tribe with	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		safety training and inspections.		greater control of its Trust assets and promotes Tribal employment.		
Navajo Regional Director	Mechanism	ONGARD: Data resource relevant to Navajo minerals.	Procedural	Use of the ONGARD system as a source of data relevant to Navajo minerals. This additional information enhances decision making.	Medium	Medium
Navajo Regional Director	Process Objectives	The Navajo Region does not follow the standard royalty collection and disbursement process. All leases are Tribal and all payments are directly to the Tribe. The Farmington Indian Minerals Office (FIMO) handles allottee leases.	Procedural	The Navajo Region does not follow the standard royalty collection and disbursement process. All leases are Tribal and all payments are directly to the Tribe. The Farmington Indian Minerals Office (FIMO) handles allottee leases.	High	High
Navajo Regional Director	Role	BIA Natural Resource Specialist review of reclamation efforts is not done in the Navajo Region.	Staffing	BIA Natural Resource Specialist review of reclamation efforts is not done in the Navajo Region. Insufficient information was provided to ascertain the business impact.	Medium	Medium



Table 4.3.6- 10 Southwest Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Southern Ute Agency	Organization	The Southern Ute Realty Office maintains records rather than the County Courthouse for Fee land surface ownership determination.	Procedural	The agency realty office has all relevant records available but also has the burden of maintaining these records.	Medium	Major
Southwest Region	Output	1901 Act Advertisement Waivers are no longer required, however, the Southwestern Region still documents them.	Procedural	Region policies to ensure all requirements have been met.	Medium	Minor
Southern Ute Agency Ute Mountain Ute Field Office	Mechanism	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is used instead of the Integrated Records Management System (IRMS).	Procedural	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is a mineral resource tracking system developed by the BIA Division of Energy and Minerals Resources (DEMR). The system imports data from LRIS, IRMS and other government databases and provides greater flexibility and a broader range of data displays than IRMS.	Medium	Minor
Southwest Region	Mechanism	The Southwestern Region is using the Legacy Re-host (LR2000) System.	Procedural	The LR2000 System is a land and minerals record system that provides access to Case Recordation, Legal Land Description, and Mine	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				Claim Recordation information. LR2000 is a BLM internet based system.		
Jicarilla Agency	Role	The Archaeologist and the Surveyor make a joint visit at the time of staking, prior to submittal of the APD.	Procedural	Visiting the site at the time of staking provides an early archaeology cursory review and reduces the risk that an archaeological problem will be found after effort has been invested in an APD. In the rest of the Southwestern Region the archaeologist does not visit the site until the Joint On-Site Inspection visit.	Medium	Minor
Southern Ute Agency	Mechanism	Knowledgeman database program is being used.	Procedural	The Knowledgeman COTS program is being used for local handling of information. Compatibility with DOI systems is not known.	Medium	Medium
Jicarilla Agency	Mechanism	Dbase database program is being used.	Procedural	The Dbase COTS program is being used as a local information database. Compatibility with DOI systems is not known.	Medium	Medium



Table 4.3.6- 11 Western Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Uintah and Ouray Agency	Mechanism Output	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is used instead of the Integrated Records Management System (IRMS).	Procedural	The National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is a mineral resource tracking system developed by the BIA Division of Energy and Minerals Resources (DEMR). The system imports data from LRIS, IRMS and other government databases and provides greater flexibility and a broader range of data displays than IRMS.	Medium	Minor
Uintah and Ouray Agency	Input	Uintah & Ouray Agency only uses non-cancelable \$150,000 Reservation Bonds	Procedural	Simplifies the bonding process and gives the agency sole control of bonds rather than dealing with nationwide bonds.	Medium	Medium
Uintah and Ouray Agency Ute Indian Tribe of the Uintah and Ouray Reservations	Output	For Tribal Lands owned before 1956, a Tribal Lease requires approval of the Ute Distribution Corporation (UDC).	Federal Law	For Tribal Lands owned before 1956, a Tribal Lease requires approval of the Ute Distribution Corporation (UDC), therefore the agency must track ownership dates.	Medium	Medium
Ute Indian Tribe of the Uintah and Ouray Reservations	Obligation	The Northern Ute Tribe does not allow allottees to participate in IMDA Agreements with the	Tribal Practice	No impact noted for mineral leases.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Tribe.				
Uintah and Ouray Agency Ute Indian Tribe of the Uintah and Ouray Reservations	Obligation	Ute Partition & Termination Act of 1954 and 25 CFR 217	Federal Law	Provides for Joint Management by the Ute Distribution Corporation (UDC) and the Tribal Business Committee of Ute Indian Tribe assets on the Uintah and Ouray Reservation. Simplifies leasing and all deals related to allotted lands on the reservation.	High	Major
Tohono O'odham Nation of AZ	Organization Role Event	The Tohono O'odham Nation of Arizona negotiates Tribal leases and then brings them to BIA for processing.	Procedural	Basically an IMDA procedure is applied for all Tribal leases of the Tohono O'odham Nation of Arizona. This reduces BIA work load and places the timing burden on the Nation.	Medium	Major
Tohono O'odham Nation of AZ	Role	Tohono O'odham Nation of Arizona has a Natural Resources Committee which functions as the Natural Resource Specialist.	Procedural	Rather than an individual, the Tohono O'odham Nation of Arizona has a committee to act on natural resource issues.	High	Medium
Tohono O'odham Nation of AZ	Role Event	In the Tohono O'odham Nation of Arizona allottees negotiate leases and then bring them to BIA for processing.	Procedural	Basically an IMDA procedure is applied for all allottee leases of the Tohono O'odham Nation of Arizona. This reduces BIA work load and places the	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				timing burden on the allottee.		
Uintah and Ouray Agency Ute Indian Tribe of the Uintah and Ouray Reservations	Location	Tribally Chartered Corporation (Allottee Corporation)	Tribal Ordinance	A Ute Distribution Corporation (UDC), charter in the State of Utah, has been formed to overcome fractionation.	High	Major
Uintah and Ouray Agency Ute Indian Tribe of the Uintah and Ouray Reservations	Event	Nomination to lease Indian Trust mineral assets are triggered by: -Indian Mineral Owner Requests -Tribal Resolutions -Private Company Nomination -Trade Show Leads – U&O	Procedural	In addition to the process followed by other agencies, the Uintah & Ouray Agency attends industry trade show, hands out instructions and idle tract lists, accepts interest input from companies, advises Indian mineral owners of interest, and allows the Indian mineral owner decide if and how to negotiate lease(s) for Allotted Lands. This method of advertising has been both cost effective and produced better results than previous methods.	High	Medium
Uintah and Ouray Agency Ute Indian Tribe of the Uintah and Ouray Reservations	Event	Require a lease and ROW first or payment of the royalty for the full value of potential production.	Procedural	A lease and ROW or an advance royalty payment for the full value of the potential production must be paid before exploration. This maximizes return to	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				the beneficiaries.		
Tohono O'odham Nation of AZ	Input	District Planning Dept. Review of Potential Leases: The Tohono O'odham Nation of Arizona District Planning Dept. screens potential lessees and gathers allottees.	Procedural	As an additional step in the leasing process the Tohono O'odham Nation of Arizona District Planning Dept. screens potential lessees and gathers allottees.	High	Major
Tohono O'odham Nation of AZ	Output	The Tohono O'odham Nation of Arizona hires private surveyors.	Procedural	The Tohono O'odham Nation of Arizona hires private surveyors to provide boundary determination because of the time it takes to get a survey through DOI.	Medium	Major
Tohono O'odham Nation of AZ	Output	The Tohono O'odham Nation of Arizona hires private appraisers.	Procedural	The Tohono O'odham Nation of Arizona hires private appraisers to provide estimates of lease values because of the time it takes to get an appraisal through DOI.	Medium	Major
Colorado River Indian Tribes	Input	The Colorado River Indian Tribes do not collect Bonus Money.	Procedural	The Colorado River Indian Tribes do not collect Bonus Money for mineral leases. This makes their tracts more attractive commercially and possibly results in an improved revenue stream.	High	Medium
Uintah & Ouray Agency	Input	Uintah & Ouray Agency has a	Procedural	This site specific	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		site specific Environmental Analysis for each well.		Environmental Analysis for each well has an additional cost associated with it.		
Uintah & Ouray Agency	Input Output	BLM has a cooperative agreement with the State of Utah regarding spacing.	Memorandum of Understanding	Insufficient information was provided to ascertain the business impact.	Medium	Medium
Uintah & Ouray Agency	Input	The Uintah & Ouray Agency grants a ROW easement prior to the approval of an APD. This is a separate ROW from the lease and has an associated flat fee per year.	Procedural	This is a separate ROW from the lease and has an associated flat fee per year providing additional revenue.	Medium	Medium
Uintah & Ouray Agency	Mechanism	A&E Card Files; Allotment & Estate Cards: The Uintah & Ouray Agency has entered all A&E information into IRMS and no longer uses the cards.	Procedural	This has reduced the manual effort associated with the A&E Cards and complies with the mandate to eliminate the cards.	Medium	Medium
Colorado River Indian Tribes	Role	The Colorado River Indian Tribes signs off on assignments in accordance with a Tribal Ordinances for assignments.	Tribal Ordinance	Insufficient information was provided to ascertain the business impact.	Medium	Major
Colorado River Indian Tribes	Variance	The Colorado River Indian Tribes have Compacted all revenue functions and everything related to solid minerals revenue accounting is handled by the CRT.	638 Contract	The Colorado River Indian Tribes have Compacted all revenue functions and everything related to solid minerals revenue accounting is handled by the CRT. Done under a 638 contract with BIA. Funds and responsibilities have been	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				transferred to the Tribe.		

Table 4.3.6- 12 Pacific Region Subsurface Asset Management Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Pacific Region	Output Obligation	The California Coastal Commission reviews and concurs with leases in the coastal zone in accordance with the provisions of the Federal Coastal Zone Management Act	Federal Law	California Coastal Commission reviews and opinions must be included in planning and timing of the lease approval process. These reviews and opinions add to the time required to reach agreement on potential leases.	Medium	Major
Pacific Region	Mechanism	Inheritance & Interest (I&I) Cards used by Realty throughout the region.	Procedural	Manual systems are used in lieu of and as supplement to automated systems.	Medium	Minor
Pacific Region	Input	For Sand & Gravel the leasing NEPA documents address the Development Mine and Reclamation Plan. BIA is the lead agency for this effort and BLM is a cooperating agency.	Procedural	A clear delineation of responsibilities.	Medium	Medium
Pacific Region	Mechanism	In lieu of the Integrated Records Management System (IRMS), Pacific Region Agencies are using their own local databases for allotments.	Procedural	Because the majority of lease activity in the Pacific Region is Tribal the use of local databases is a convenience to the staff. The Palm Springs Agency	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				is the only one in the region with significant numbers of allotments.		
Pacific Region	Obligation	CA Tribes have adopted the CA Surface Mining Reclamation Act (CSMRA).	Tribal Law	In addition to federal requirements the CSMRA requirements must be addressed.	Medium	Major



4.3.7 Accounting (AM)

4.3.7.1 Accounting Summary Process Description

The overall process starts with: Requests to open a new Trust account, maintain an existing account, or close an account. It also includes the collection, deposit, distribution, investment, and disbursement of Trust funds.

The overall process ends with: Release of the annual Audit Report.

Accounts in the Indian Trust must be properly set up and maintained for individual Indians and Tribes who own (or hold financial interests in) Trust Assets, or receive recurring income from Trust Assets. The two basic types of Trust accounts are Individual Indian Money (IIM) accounts, and Tribal accounts.

Many critical Trust financial transactions are embedded in the Surface, Subsurface, and Title processes, where Trust assets are managed; and the Probate process, in which Trust assets are distributed to the beneficiaries of allottees or financial interest owners in Trust assets. Details and problems of financial transactions in these areas are included in the respective process descriptions.

Income from Trust assets is collected for existing account holders by BIA, OST/OTFM, and MMS, deposited in Treasury accounts, and posted to beneficiary accounts. Examples of income from Trust assets are inheritances, land leases or sales, grazing permits, rights of way payments, judgment awards, Tribal Trust fund *per capita* disbursements, and income on Trust investments.

Most account maintenance and financial transactions (account maintenance, deposit, posting, transferring, and disbursement of funds) are initiated by BIA, OST/OTFM or Compacted/Contracted Tribes in the field, but completed by the OST/OTFM Central Office. Manual or electronic "work tickets" are created by OST/OTFM Agency or Regional staff for each transaction, and faxed with appropriate forms and backup documentation to Accounting Processing in the OST/OTFM Central Office for completion processing. Once received by Accounting Processing, all account transactions are processed essentially the same way, with a few exceptions, such as MMS deposits (described later in this section).

IIM and Tribal Trust funds held by the Trust are invested in two basic ways:

- a) "Overnighter"- All account balances (cash) not invested are "swept" daily, pooled and invested overnight with the U.S. Treasury.
- b) Government sponsored entities - Invested account balances consist of U.S. Treasury and U.S. Federal Government Agency issues and other investment securities that are guaranteed by the U.S. Federal Government.

At their option, Tribes can work with the OST/OTFM Branch of Tribal Accounts Management to review their plans and budgets, determine their cash needs, develop or update investment strategies to produce budgeted income, and make sure cash is available when they need it. The Division of Investments works with the Branch of Tribal Accounts Management and the Tribes to structure, manage, and develop Tribal portfolios. Alternatively, Tribes can perform these



functions themselves, or hire their own advisors. The Division of Investments treats the IIM pool as a separate client with a unique profile and investment objectives.

Trust funds can be disbursed to beneficiaries automatically through “auto-pay” arrangements, which automatically disburse any amount over a pre-determined threshold to the beneficiary by check or direct deposit into a designated bank account. Individual beneficiaries may also choose to let income accumulate in their accounts, and can withdraw funds via disbursement requests.

Certain beneficiaries (minors, adults found to be *non-compos mentis*, and adults in need of financial management assistance) have supervised, or restricted accounts. These beneficiaries must have approved Distribution Plans on file, and a BIA Superintendent, Regional Director, or other authorized official must sign their disbursement requests.

Routine disbursements from Tribal accounts must be in accordance with Tribal Resolutions and Tribal Budgets. Disbursements of special funds, such as settlements and judgment awards, must be made in accordance with Tribal Use and Distribution Plans, approved by the Secretary of the Interior. Tribes have the option of working with BIA and/or OST/OTFM to develop and maintain these plans.

Account statements are generated automatically by the Trust Funds Accounting System (TFAS) and printed and mailed by a contractor. Federal tax compliance reports (e.g. 1099 forms) are prepared by the OST/OTFM Branch of Reporting from various internal and external databases and TFAS. The printing and mailing of 1099 forms is done by a contractor. TFAS produces daily account transaction reports that are available to all OST/OTFM offices, and most BIA offices, where the information network is secure. The OST/OTFM Branch of Reporting prepares various management reports from information extracted from TFAS for distribution within the OST/OTFM Central Office.

The OST/OTFM Branch of Current Reconciliation also prepares a specific set of reconciliation reports on a daily and monthly basis with information extracted from TFAS and compared to sources, such as Treasury, Custodian and other government agencies. The reconciliation process ensures that all funds are accounted for throughout the accounting process. Reconciliation reports are also distributed within the OST/OTFM Central Office.

The Trust Reform Act of 1994 requires an annual audit of Trust funds. The OST contracts an independent CPA firm to conduct the audit. The audit is conducted under the oversight of the Office of Inspector General (OIG) and it issues the final audited financial statements and reports. The annual audit process prior to the end of the fiscal year in September, with interim tests performed during the year. The auditors must adhere to the audit process and standards defined by Generally Accepted Government Auditing Standards (GAGAS).

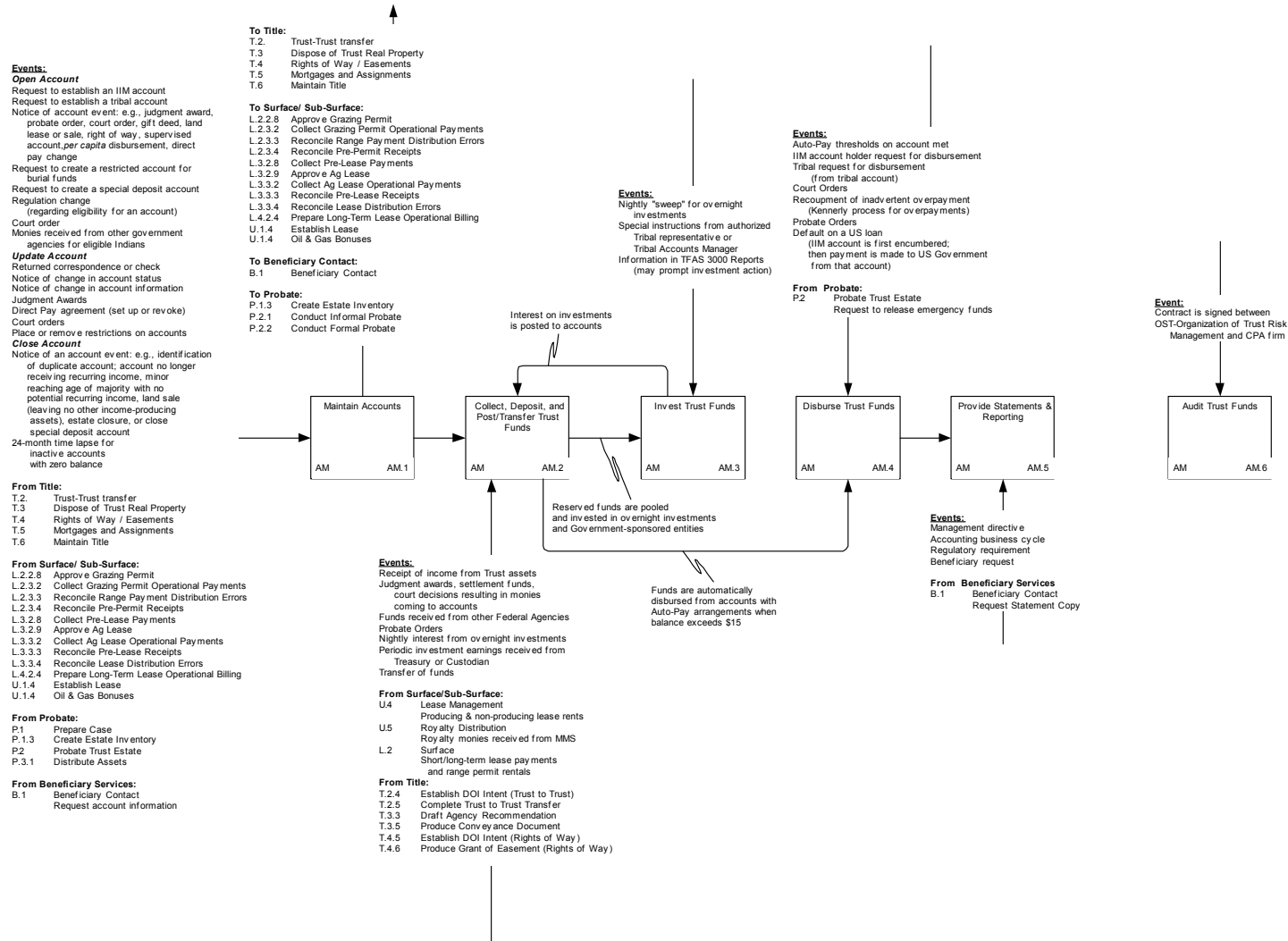


Figure 4.3.7- 1 Accounting High Level Diagram



Accounting Objectives

Maintaining accurate beneficiary records and completing account maintenance transactions as requested is core to Trust assets management. Similarly, efficient beneficiary service requires control and reconciliation of Trust fund receipts, deposits, posting/transferring, and disbursement of funds in a timely and accurate manner.

The following are the objectives of the Accounting Process:

1. **Maintain Accounts:** To maintain accurate IIM and Tribal account records.
2. **Collect, Deposit, Post, and Transfer Trust funds:** To ensure control, reconciliation, deposit, posting and transferring of Trust fund receipts to beneficiary accounts in a timely and accurate manner.
3. **Invest Trust Funds:** To ensure that Tribal and IIM monies are invested to produce adequate return based on current economic, market, and interest rate conditions, subject to applicable laws, regulations, and Tribal direction.
4. **Disburse Trust Funds:** To disburse Trust funds to beneficiaries in a timely and accurate manner.
5. **Provide Statements and Reports:** To prepare and submit appropriate internal and external reports as required by law or regulation, and to provide financial information for management decisions, and inform beneficiaries of account activity, balances, holdings, and taxable income.
6. **Provide Reconciliation:** To provide checks and balances and integrity of financial data and accountability to beneficiaries and stakeholders.
7. **Audit Trust Funds:** To provide an annual audit of Trust financial statements and related information as required by statutes, in order to enhance the integrity of Trust service delivery.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to accounting management are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

Objective 1.1 Beneficiary Statements

Routinely provide timely, accurate, understandable, and comprehensive statements to beneficiaries.

b) Strategic Goal 4 - Trust Fund Assets

Manage trust fund assets consistently with legal and fiduciary responsibilities ensuring timely and productive use of the assets.



Objective 4.1 Fund Assets Management

Manage and invest fund assets to provide prudent rates of return, while considering the best interests of individual beneficiaries and Tribes.

Objective 4.2 Collection, Disbursement, and Accounting of Funds

Collect, disburse, and account for funds associated with trust assets accurately and on a timely basis.

c) Strategic Goal 5 - Indian Self-Governance and Self-Determination

Encourage and support compact and contract opportunities associated with trust management to promote Indian self-governance and self-determination.

Objective 5.2 Technical Assistance

Provide Indian Tribes with technical assistance to develop, implement, and manage Indian trust fund investment plans, in accordance with the American Indian Trust Fund Management Reform Act of 1994.

d) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.

Objective 6.2 Accounting

Develop and maintain accounting activities that are user friendly, integrated, provide necessary functionality, and contain appropriate interfaces to support effective and efficient trust management.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage Trust operations and to assess performance.



4.3.7.2 Maintain Accounts (AM.1)

Starts with: Request to open a new account, reopen a closed account, update existing account information or status, or close an account.

Ends with: The opening of a new account, reopening a closed account, updating of existing account information or status, or closing of an account.

The two basic types of Trust accounts are Individual Indian Money (IIM) accounts and Tribal accounts. An IIM account is normally opened because of an inheritance, or Trust funds come to an individual from various sources, such as judgment awards, gift deeds, land leases or sales, rights of way payments, or Tribal Trust fund *per capita* disbursements.

Updates to IIM account information are made when any type of error is discovered, or the account holder notifies BIA or OST/OTFM of required changes. Account status may be changed from unrestricted to restricted, or vice versa, for a variety of reasons. Restrictions may be voluntary or involuntary. If an account is involuntarily restricted, no funds may be disbursed from it before the restriction is lifted unless approved by a BIA Agency Superintendent, Regional Director, or other authorized official.

An IIM account may be closed when it no longer receives recurring income, when a minor reaches the age of majority with no potential recurring income, when an estate is closed, or when a duplicate account is identified. IIM accounts are automatically closed after a 24-month time lapse with a zero balance and no activity.

Account maintenance is currently a labor-intensive process. Any BIA or OST/OTFM office, or Compacted/Contracted Tribe, may initiate account maintenance transactions; but Accounting Processing in OST/OTFM Central Office completes all transactions. The initiating office completes (or assists the account holder in completing) the required forms and documentation. Forms must be signed and dated by the account holder, and either notarized or witnessed by a DOI employee. Requests initiated by the BIA are forwarded to the nearest OST/OTFM office. The OST/OTFM office prepares a manual work ticket for each request, attaches appropriate forms and documentation, and faxes to Accounting Processing for completion. Accounting Processing processes all account maintenance transactions essentially the same way: Faxed transaction batches are received and logged by the Accounting Processing Control Desk and given to the Pre-Quality Assurance (Pre-QA) team to be reviewed for accuracy, appropriateness, and completeness of forms and documentation. Problems discovered by Pre-QA are either resolved with the originating office the same day or the “reject” is placed on hold. Approved transactions are sent to the Encoding team to be entered in TFAS, and then to the Post-Quality Assurance (Post-QA) team to be double-checked against the entry in TFAS. Problems discovered by the Post-QA team are given to the Issues team for research and resolution. The paperwork for completed transactions is returned to the Control Desk and logged. Documentation is sent to the OST Office of Trust Records (OTR) for storage.

Tribal Accounts

Tribes generally make account maintenance requests through the BIA. The BIA forwards requests to OST/OTFM Regional Office with a Superintendent’s and/or Regional Director’s signature. The OST/OTFM Regional Office prepares work tickets manually and faxes or forwards with appropriate documentation to the OST/OTFM Central Office for processing. The designated Tribal Accounts Manager reviews documentation and forwards to OST/OTFM Accounting Processing for completion similar to the IIM process described above.

Events:

Open Account

Request to establish an IIM account
Request to establish a tribal account
Notice of account event: e.g., judgment award, probate order, court order, gift deed, land lease or sale, right of way, supervised account, per capita disbursement, direct pay change
Request to create a restricted account for burial funds
Request to create a special deposit account
Regulation change (regarding eligibility for an account)
Court order
Monies received from other government agencies for eligible Indians

Update Account

Returned correspondence or check
Notice of change in account status
Notice of change in account information
Judgment Awards
Direct Pay agreement (set up or revoke)
Court orders
Place or remove restrictions on accounts
Close Account
Notice of an account event: e.g., identification of duplicate account; account no longer receiving recurring income, minor reaching age of majority with no potential recurring income, land sale (leaving no other income-producing assets), estate closure, or close special deposit account
24-month time lapse for inactive accounts with zero balance

Inputs:

Open Account

Probate Orders
Name and date of birth
IIM Account number
Form OTFM 01-004
Tribal enrollment or membership certificate
Guardianship Order
Kennerly letter
Request for Tribal Account
Tribal Resolution
Change Orders
Land sales documents (deeds)
Gift deed with life estate and "remaindermen"
Use and Distribution Plan for Judgment accounts

Update Account

Account maintenance documentation (to update account information or correct errors)
OTFM 01-005 Form
OTFM 01-006 Form
Distribution Plan
BIA Memo
BIA Permanent Authorization
Kennerly Letter
Change Orders
Documents from Probate process
Documents from Title process

Close Account

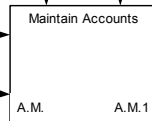
Request to close an account
Documents from Probate process
Request for total automatic payout of funds

Obligations:

Federal court orders
25CFR 115
25CFR 20
General distribution plan and various acts of Congress (e.g. 47 and 73 Acts)
25 CFR 15
25 CFR 103
43 CFR 4.270
Claims against estate
Escheat law

Controls:

GAAP
Inter-Agency Handbook
Desk Operating Procedures
OTFM Numbered Memoranda
BIA Policy Memoranda
Numbered Interim Directives
BIA Manual
OTFM/BIA policies for assigning account numbers
OTFM Trust Acceptance Committee
Non-trust collection procedures
Memorandum of Understanding
Case files for Leasing and Rights of Way
Unallotted Probate files



Mechanisms:

TFAS
NX/A-17 Interface. IRMS
RDRS
Strata Vision
Internet (currently no Internet access)
Lotus Notes Non-Trust
Collections System/FFS
Historical Query Data Base (Histran) SEI
Histran under NX
OTFM Accounting Processing
Control Log Database

Outputs:

Open Account

New accounts
Quarterly Statements
Case File for Supervised Accounts
IIM/tribal account holder files

Update Account

Changes to account information or status
Kennerly Letter
Close Account
Closed account
Transferred/dispursed funds
Check/payment for account balance

Figure 4.3.7- 2 Maintain Accounts IDEF (0)



Beneficiary Involvement for Maintain Accounts

Beneficiaries can request a voluntary hold on their account if they need financial management assistance, or if they prefer to let income accumulate in their account.

Beneficiaries can request changes to account information, status or characteristics (voluntary holds). They provide demographic documentation, such as marriage certificates, divorce decrees, death certificates, name and date of birth, and Tribal enrollment, for changes in account characteristics.

Beneficiaries and/or guardians provide input into distribution planning for supervised accounts.

Adult beneficiaries receive Explanations of Payments and Quarterly Statements. They can close their account if they no longer have recurring income on trust assets.

Maintain Accounts Significant Notes

- a) A birth certificate or Tribal enrollment or membership certificate is required to open an IIM account. An ongoing problem with this requirement is that beneficiaries born in the 1930's and earlier frequently do not have birth certificates. Obtaining a delayed birth certificate can be a lengthy process.
- b) Names on accounts of heirs of deceased IIM account holders must be an exact match with the names on the Probate Order. This requirement causes many problems with closing probated estates because name discrepancies are frequently encountered. Accounts may be set up in one name and in a different name on the Probate Order. Some of this may be due to cultural differences: BIA and OST/OTFM field staff report that some beneficiaries just take on a different name without legally changing it. Indians may have "traditional" marriages where there is no legal documentation. In some Tribes members have three names that are all legitimate. Adoptions can also be a problem (mother or father may have enrolled a person under one name and then they were adopted and the name was changed). Adoption records are sealed by court order. When OST/OTFM Offices submit transactions to distribute funds from estate accounts, they must submit all documentation to explain why names are different, or the transactions will be rejected. This is an ongoing problem that creates additional work and prolongs closing of estate accounts.
- c) Updates to account information or status must be notarized or signed by a DOI employee (in lieu of a Notary) and accompanied by appropriate documentation, such as verification of name change; "One and the Same" Memo, divorce decree, marriage license, birth certificate, W9 (tax ID number for tax on interest) Power of Attorney, court order (to establish a supervised account), or death certificate. The notarization requirement may be a problem in areas where beneficiaries don't have easy access to a BIA or OST/OTFM office, because many notaries charge as much as \$8-10 per page for their services. This is a special problem in Alaska, where Tribal villages are only accessible by airplane or boat, and frequently have no notary, or even a post office.
- d) When IIM account holder correspondence or checks are returned to OST/OTFM, the account is placed on "whereabouts unknown" status, which holds all correspondence and disbursements until the account holder provides current address information, or their location is otherwise identified.
- e) When IIM accounts are opened, the local OST/OTFM Agency or Regional Office sets up account holder files, which contain documentation such as Birth Certificate, Certificate of Degree of Indian Blood, copy of photo ID, Social Security Card, etc. However, OST/OTFM is required to



maintain only the current year and previous year's files. All others must be sent to the OST Office of Trust Records (OTR) for storage. If account maintenance is needed when two years have passed since the account was opened, OST/OTFM must again obtain copies of the same documentation from account holders, which delays the process and can anger beneficiaries. BIA and OST/OTFM field staff report that they are frequently requested to fax copies of the same documentation again and again for account maintenance requests.



4.3.7.3 Collect, Deposit and Post/Transfer Trust Funds (AM.2)

Starts with: Receive trust funds.

Ends with: Deposit and post or transfer of Trust funds into appropriate accounts.

Trust funds are received from various sources; such as land leases or sales, payments for granting use of rights of way, judgment awards, inheritances, gift deeds, Tribal Trust fund *per capita* disbursements, or income on investments. Funds may be received at numerous locations throughout BIA or OST/OTFM offices.

BIA Agency and Regional Offices prepare and maintain contracts for land leases and sales. They may or may not send bills for payments due, and very few offices have any type of automated accounts receivable system. Payments for land leases and sales are generally received at BIA Agency and Regional Offices. (The collection and reconciliation process for these payments is documented in the Title, Surface, and Sub-Surface process areas). Payment checks are logged and delivered to the designated collection officer, which is usually a collateral duty assigned to a staff member. Copies of checks are given to the appropriate program office (such as Realty, Forestry, etc.). The program office must match each check with the appropriate lease or permit, and provide beneficiary distribution information to the designated collection officer. Some agencies maintain beneficiary distribution information in the Lease Distribution module of IRMS, which interfaces with TFAS. Others prepare the information manually. (See Significant Notes at the end of this section for more information on the complexity of this step.) The program office gives the distribution information and supporting documentation to the BIA collection officer, who prepares a Schedule of Collections and forwards to the nearest OST/OTFM Depositing Collector.

OST/OTFM Depositing Collectors are located at most Agencies or Regional Offices, depending on the region. The OST/OTFM collector verifies accuracy and appropriateness of checks and documentation and deposits checks into a General Treasury Account at a local bank authorized to accept federal deposits.

Funds are posted to beneficiaries' accounts through one or more of the following means:

- a) The interface files (created by BIA) are uploaded for posting to TFAS
- b) The OST/OTFM field staff enters information into Customer Strata Station (CSS) for posting to TFAS
- c) The OST/OTFM field staff creates manual work tickets and faxes to Accounting Processing in OST/OTFM Central Office for posting to TFAS

Accounting Processing reviews transactions for accuracy and appropriateness, and if cleared, approves for posting to TFAS. If a transaction is not cleared, Accounting Processing notifies the originating office of the errors to be corrected (e.g., dollar amount, account number, date). The originating office makes verbal corrections and re-faxes documentation with the corrections initialed.

The originating office verifies that funds were posted to appropriate accounts. If the originating office finds an error in TFAS, it sends correction information to the Accounting Processing Issues Team. The Issues Team makes the correction, and the originating office verifies that the error was corrected.



If funds do not post, the specific transactions are listed on the Daily Cash Reconciliation (DCR) report. The DCR also lists checks that didn't clear with the Treasury because the bank didn't make the posting deadline or experienced technical problems. When an item is on the DCR, OST/OTFM must provide an explanation to the Financial Trust Services Officer (FTSO) and the Field Operations Office in Shawnee, Oklahoma.

When Trust funds are received at the OST/OTFM Central Office in Albuquerque, the Branch of Accounting Services performs the same role as an OST/OTFM Regional Office in preparing deposits.

Funds Transfers

When BIA originates transfers between accounts, journal vouchers are prepared to transfer funds between IIM accounts or BF 4285s for Tribal-to-Tribal transfers or Tribal-IIM transfers. Appropriate backup documentation is attached and forwarded to OST/OTFM Agency/Regional Office. The OST/OTFM Office logs in mail log; checks documentation, verifies accounts, prepares and faxes work tickets to OST/OTFM Central Office. The originating OST/OTFM office checks TFAS the next day to verify that the transfer was posted.

Minerals Management Service (MMS) Collections

1. The Payor submits payment to MMS for BIA including a reference to a specific Tribe or BIA office that administers allotted accounts with form MMS 2014 (Report of Sales and Royalty Remittance) and for invoices that are issued by MMS. Royalty payments are generally due on the last day of the month for the previous month's production. Payment for invoices are due within 35 days of the invoice date.
2. Payors have four options on how payment can be made:
 - a) Check via mail or courier
 - b) Wire to Federal Reserve Bank
 - c) Lockbox arrangement
 - d) Direct pay (MMS may never see payment to an individual or Tribe under a Direct Pay Lease)
3. The MMS/MRM Financial Management Division deposits checks to the Federal Reserve Bank and posts in a Treasury account. The next business morning, MMS fax receipt information to OST/OTFM along with SF-1081 voucher forms with deposit and distribution information, so OST/OTFM can record collections in interest bearing accounts.
4. The MMS/MRM Financial Management Division processes the MMS 2014 Royalty Remittance Report received from Payors (containing lease and royalty information) and performs computer edits to verify reference data, valid lease, production, and royalty rate, etc. Only one royalty report line needs to pass these computer edits to create an accounts receivable file for the entire royalty report in the MRM financial system.
5. The MMS/MRM financial system and the accounts receivable staff matches receivables with payments. The staff also follow up to resolve any discrepancies.
6. The MMS/MRM financial system accounts payable process creates the Indian Distribution File (with leases & amounts; fund codes), on CD the first three Wednesdays of each month, which is hand-carried to the National Business Center in Denver. The accounts payable team supervisor faxes a memo summary of the Financial Distribution Report for that day's



- distribution file to BIA Regional and agency offices. The summary includes Indian allotted distribution totals for each regional and agency office.
7. The National Business Center uploads files to RDRS in the BIA Office of Information Resource Management (OIRM) in Reston, Virginia.
 8. The OIRM combines the Indian Distribution File with the Interest Factor File from OST/OTFM Central Office.
 9. The BIA Agencies or Regional offices reconcile the Financial Distribution Report from MMS to the Indian Distribution File from OIRM; then fax a form to OIRM to notify them when the file is reconciled.
 10. Upon receipt of faxes from agencies, the OIRM releases the Indian Distribution File for posting to accounts, and sends one last fax to BIA offices to notify that distribution has been made.

Note: There is no automated reconciliation of the interface file from MMS to BIA.

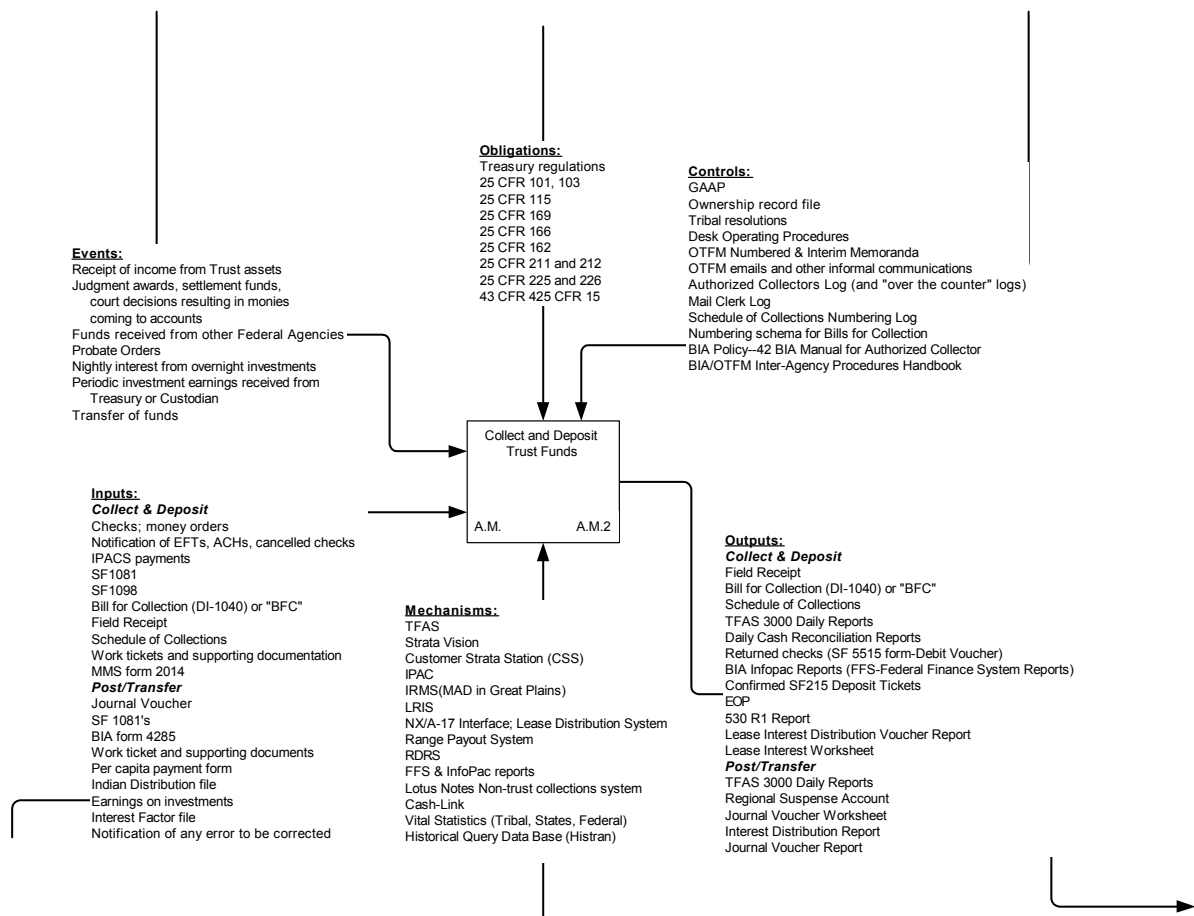


Figure 4.3.7- 3 Collect and Deposit Trust Funds IDEF (0)



Beneficiary Involvement for Collect, Deposit, and Post/Transfer Trust Funds

Beneficiaries may call or come in to agency and regional offices with questions regarding their account status and/or when they will receive checks. Beneficiaries may voluntarily release funds for payment of various obligations, such as nursing home care.

Tribes develop Tribal Resolutions, Tribal Budgets, and Use and Distribution Plans that govern the use of their funds.

Collect, Deposit and Post/Transfer Trust Funds Significant Notes

- a) Some Regions send bills for payments due on land leases and permits; others do not. Only a few agencies maintain their own accounts receivable. Compliance monitoring varies throughout each Region. In most Regions, Tribes and individual Indians have the option of setting up “Direct-Pay” arrangements, in which the lessee or permittee pays directly to the beneficiary—payments do not go through the Trust. Many beneficiaries choose Direct Pay because they will receive their money faster than money that goes through the Trust, as long as the payor pays on time. These direct payment arrangements do not relieve the DOI fiduciary responsibility to the beneficiary. Only a few Regions are currently monitoring Direct Pay compliance.
- b) Some Regions use Bills for Collection (BFC) as both bills for payments due and receipts for payments received, some Regions only issue BFC’s only as receipts, and others issue Field Receipts for payments received instead of Bills for Collection.
- c) As stated in the process description, some agencies maintain beneficiary distribution information in the Lease Distribution module of IRMS, which interfaces with TFAS. Others prepare the information manually. The process for either method is labor-intensive and complex. There may be hundreds or more than a thousand fractionated interest owners of a parcel of land, and these owners may change due to conveyances or ownership or financial interest during the period of a lease or permit, which runs at least five years. Due to multiple systems of record, all ownership records may not be correct. Certain incorrect entries in a Lease Distribution interface file may suspend an entire batch update because payments cannot post to TFAS until 100% of the dollar amount is balanced. Manually prepared distribution advice is posted account by account in OST/OTFM Central Office. In this scenario, only the incorrect transactions are rejected, but the amount of work necessary in the field to correct a rejected transaction may be two to three times that of the original.
- d) Significant complexity is added to this process due to the great number of lease modifications, which are made after the lease is signed. After approval, the lease files need to be updated so the receivable system is able to make adjustments accordingly so proper collections are made.



4.3.7.4 Invest Trust Funds (AM.3)

Starts with: Funds posted to accounts and invested.

Ends with: Investment earnings posted to accounts.

There are two basic types of investments used for both IIM and Tribal funds:

- “Overnighter” – Uninvested cash balances swept into Treasury overnight investments
- Government sponsored entities

“Overnighter”

IIM and Tribal funds are consolidated and “swept” twice daily by a program that takes all available uninvested cash and invests it in a Treasury “overnighter”, which results in a one day investment. The IIM portion of the consolidated investment is required by OST/OTFM policy to keep at least \$10 Million in reserve at all times to cover disbursements, and may reserve more, depending on economic conditions. In addition, Tribes may allocate a portion of their funds to keep in reserve to meet cash needs, and to serve as a receptacle for funds awaiting investment that earns daily interest.

There are two daily sweeps of uninvested cash: 12:30 p.m. and 12:30 a.m. The amounts available are faxed to Treasury for investment. Treasury provides a daily overnight interest rate that is entered in TFAS to calculate and distribute daily earnings. OST/OTFM performs a manual verification of the interest and distribution.

Treasury transfers principal and interest back to OST/OTFM via Form SF 1081 stating how much money was transferred. TFAS automatically calculates interest per participating account and accrues for all invested funds.

Government Sponsored Entities

Tribes have the option of working with the OST/OTFM Branch of Tribal Accounts Management to review their plans and budgets, determine their cash needs, develop or update investment strategies to produce the income they need, and make sure cash is available when they need it.

The Division of Investments works with the Branch of Tribal Accounts Management and the Tribes to structure, manage, and develop Tribal portfolios. IIM funds and Tribal funds are treated as separate clients with unique profiles and investment objectives. Tribal Accounts Managers (TAMs) monitor Tribal accounts according to Tribal plans and budgets, make disbursements or re-invest earnings according to plans, or re-adjust according to Tribal preferences. Interest received from the investment in specific securities for either the IIM account or Tribal accounts is credited to the account when the interest payment is actually received.

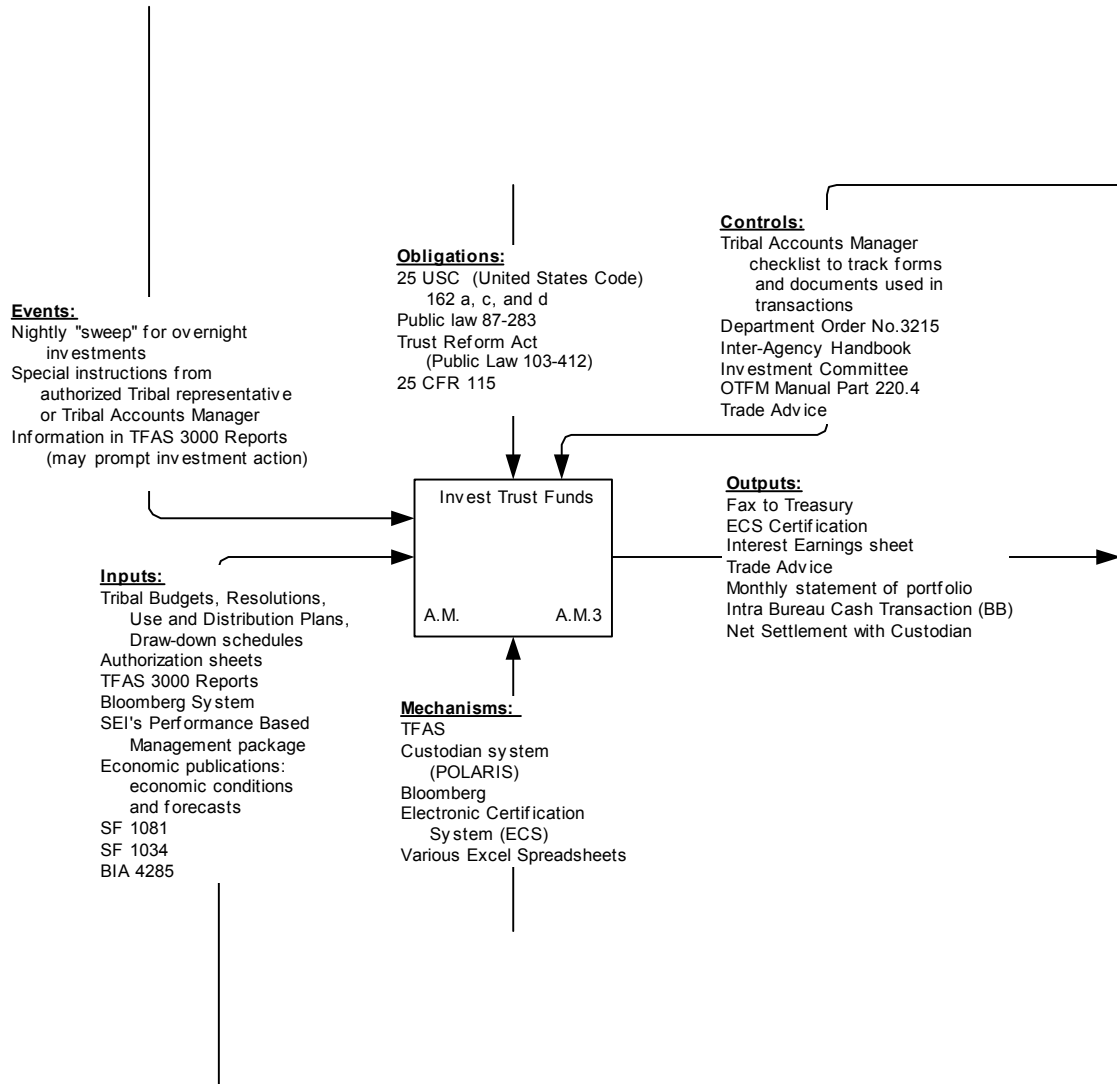


Figure 4.3.7- 4 Invest Trust Funds IDEF (0)



Beneficiary Involvement for Invest Trust Funds

Tribes work with Tribal Account Managers and Division of Investments to develop investment strategies and guidelines based on their financial objectives. Beneficiaries are not involved with the investment of the IIM account, which is done at the discretion of the OST/OTFM Division of Investments in accordance with applicable laws and regulations.

Invest Trust Funds Significant Notes

- a) Investment of Trust funds is limited by law to fixed income Government and Agency securities and bank deposits as opposed to higher returns that could be generated from investment in corporate debt and equity obligations.



4.3.7.5 Disburse Trust Funds (AM.4)

Starts with: Auto-Pay threshold met or request for disbursement.

Ends with: Disburse funds.

Beneficiaries with unrestricted IIM accounts may set up an Auto-Pay arrangement, which automatically disburses any amount over a pre-determined threshold (usually \$15) to the beneficiary by check or direct deposit into a designated bank account. An unrestricted account holder may also choose to let income accumulate in his/her account by means of a voluntary hold on disbursements. In this case, the beneficiary must make a disbursement request to withdraw funds.

All minors, adults found to be *non-compos mentis*, or adults in need of financial management assistance, have restricted, or supervised IIM accounts. All supervised accounts must have an approved Distribution Plan in order for disbursements to be made. If an approved Distribution Plan is not already on file, one must be developed by BIA or Tribal Social Services and approved by the delegated BIA Line Official.

Accounts in the Probate process are also restricted pending closing of the estate and distribution to heirs. Family members of the decedent may request emergency release of funds for hardship prior to estate closure.

A BIA Agency or Regional Office or OST/OTFM Tribal Accounts Manager assists Tribes in the development of Tribal Resolutions and Tribal Budgets, which are required for Tribal Disbursements. When Tribes receive funds from settlements or judgment awards, they must develop a Use and Distribution Plan for the money, which must be approved by the Secretary of the Interior.

Process descriptions follow:

Process Disbursement Requests (Unrestricted Accounts on Voluntary Hold)

1. An Account holder goes to a Tribal office, BIA office, or OST/OTFM office to make a disbursement request, or sends a notarized form through mail.
 - a) The Tribal office verifies the source of funds and balance; assists account holder in completing necessary forms, and forwards to BIA or OST/OTFM office.
 - b) The BIA or OST/OTFM office verifies account and balance, determines whether account maintenance is necessary (e.g., name or address change) and assists account holder in completing necessary forms and assembling appropriate documentation.
2. The BIA office signs completed forms, and mails with any required documentation to OST/OTFM Agency/Regional office.
3. The OST/OTFM Agency/Regional office prepares work tickets and faxes with back-up documentation to OST/OTFM Accounting Processing in OST/OTFM Central Office.
4. The OST/OTFM Accounting Processing completes disbursement processing.
5. The OST/OTFM Agency/Regional Office verifies that disbursements were made correctly.



Process Disbursement Requests (Supervised Accounts)

1. A Supervised Account Holder or guardian goes to a Tribal office, BIA office, or OST/OTFM office to make a disbursement request, or sends a notarized form through mail.
2. The BIA or OST/OTFM office checks the IIM Case File for all mandatory documents and the Guardianship Decree if minor is adopted or a ward of the court.
3. The BIA or OST/OTFM refers the account holder or guardian to BIA or Tribal Social Services for preparation of documents and recommended action to a delegated Line Official.
4. Social Services submits a completed Distribution Plan for the delegated Line Official's signature.
5. The BIA submits the request and documentation to OST/OTFM.
6. The request is then processed the same way as regular disbursement requests (see steps 3-5 above).

Disbursement Requests from Estate Accounts (Emergency Release of Funds)

1. A family member makes written request for emergency release of funds for hardship (there must be at least \$2,500 in the account to release emergency funds, and the usual limit for funds released is \$1,000.)
2. The BIA issues a decision on the request. If approved, the Line Official signs the request and forwards to the OST/OTFM Agency/Regional office. If the request is for more than \$1,000, or if there is less than \$2,500 in the account, the beneficiary can make the request to an Administrative Law Judge (ALJ) who has the authority to make exceptions to the regulations.
3. OST/OTFM receives and processes the request.

Process Tribal Disbursement Requests

1. The Tribe submits disbursement request to a BIA Agency/Regional Office and some Tribes send an advance or courtesy copy to the appropriate OST/OTFM Tribal Accounts Manager.
2. The BIA completes paperwork and sends to BIA Regional Director for approval (some agencies send an advance copy to OST/OTFM Regional). After approval, the Regional Director forwards to the OST/OTFM Regional Office, which reviews, signs, and forwards to the Tribal Accounts Manager in OST/OTFM Central Office.
3. The Tribal Accounts Manager reviews forms and documentation and forwards to OST/OTFM Accounting Processing for completion.

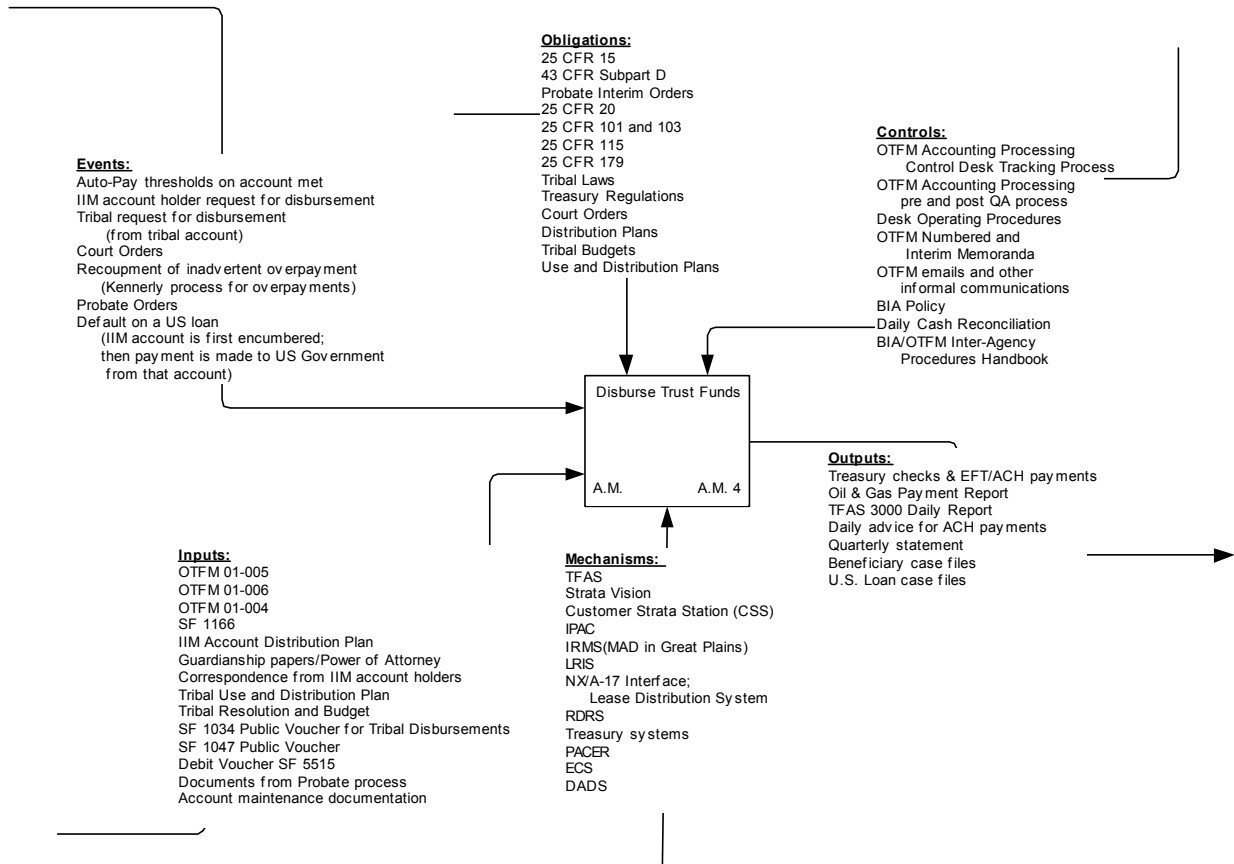


Figure 4.3.7- 5 Disburse Trust Funds IDEF (0)



Beneficiary Involvement for Disburse Trust Funds

Beneficiaries participate in distribution planning; guardians also participate in Supervised Account Distribution Planning. Beneficiaries and Guardians make requests for disbursements. Beneficiaries may request release of funds to third parties for payments for various obligations such as doctors, nursing homes, etc.

Tribes develop Use and Distribution Plans and make disbursement requests in accordance with plans, resolutions, Tribal budgets and Tribal ordinances.

Disburse Trust Funds Significant Notes

- a) If an account is in Whereabouts Unknown status, address information must be updated before a disbursement can be made. (As of September 30, 2002, there were 65,286 Whereabouts Unknown accounts out of a total of 303,392 IIM accounts.) If an account holder submits a disbursement request by mail without supplying updated address information, the receiving office may have no way to contact the requestor to let them know of the additional information needed.
- b) Processing time for disbursement requests from supervised accounts can be lengthy if all required documentation and signatures are not submitted to the OST/OTFM Accounting Processing with the request.



4.3.7.6 Provide Statements & Reports (AM.5)

Starts with: End of an accounting cycle, a management directive or a legal requirement.

Ends with: Produce statements and in-house management reports.

Monthly and annual Tribal account statements and quarterly IIM account statements are produced by TFAS and printed and mailed to account holders by a contractor. Federal tax compliance reports (e.g. 1099 forms) are prepared by the OST/OTFM Branch of Reporting from various internal and external databases and TFAS. When statements, checks, or other correspondence is returned due to incorrect address, OST/OTFM places the account in Whereabouts Unknown status, which automatically restricts the account and holds all correspondence until the account holder is located or provides a current address.

Standard transaction reports are also generated automatically by TFAS on a daily basis and are contained in the TFAS 3000 Daily Cash Reports.

The OST/OTFM Branch of Reporting develops a specific group of management reports with information extracted from TFAS. The information for these reports is formatted, reviewed for content and accuracy, and reconciled to TFAS. Completed reports are routed within the OST/OTFM Central Office, sent electronically, or mailed to other federal agencies or departments.

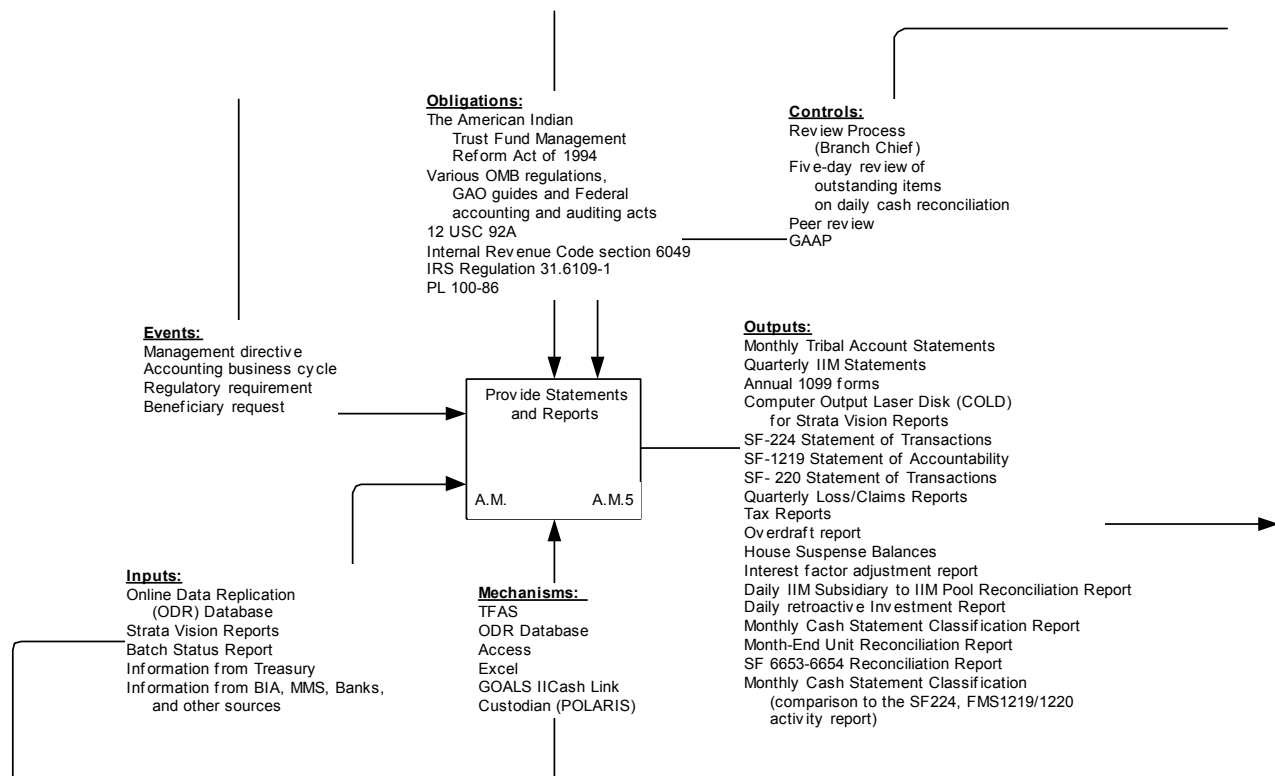


Figure 4.3.7- 6 Provide Statements and Reports



Beneficiary Involvement for Provide Statements & Reports

Beneficiaries receive quarterly statements, referred to as a Statement of Performance, and 1099s for taxable income (if address on record is current).

Provide Statements & Reports Significant Notes

- a) As of September 30, 2002, there were 65, 286 Whereabouts Unknown accounts with balances totaling \$79.5 million. There is a team in OST/OTFM Central Office dedicated to locating the owners of these accounts.
- b) There is no system that houses Trust data from beginning to end; TFAS does not have capabilities to generate the regular reports required by the U.S. Department of Treasury and OST/OTFM management. Producing these reports is labor-intensive and time-consuming.

4.3.7.7 Audit Trust Funds (AM.6)

Starts with: Signed contract with CPA firm for annual Financial Statements of American Indian Trust audit.

Ends with: Publication of annual Financial Statement and Related Reports by Office of Inspector General (OIG).

The Trust Reform Act of 1994 requires an annual audit of Trust funds. OST contracts an independent CPA firm to conduct the audit and give an opinion of the Financial Statements. The audit is conducted with OIG oversight, and OIG issues the final audited financial statements and reports. The annual audit process begins prior to the fiscal year end in September, with interim tests performed during the year. The auditors must adhere to the audit process and standards defined by GAGAS.

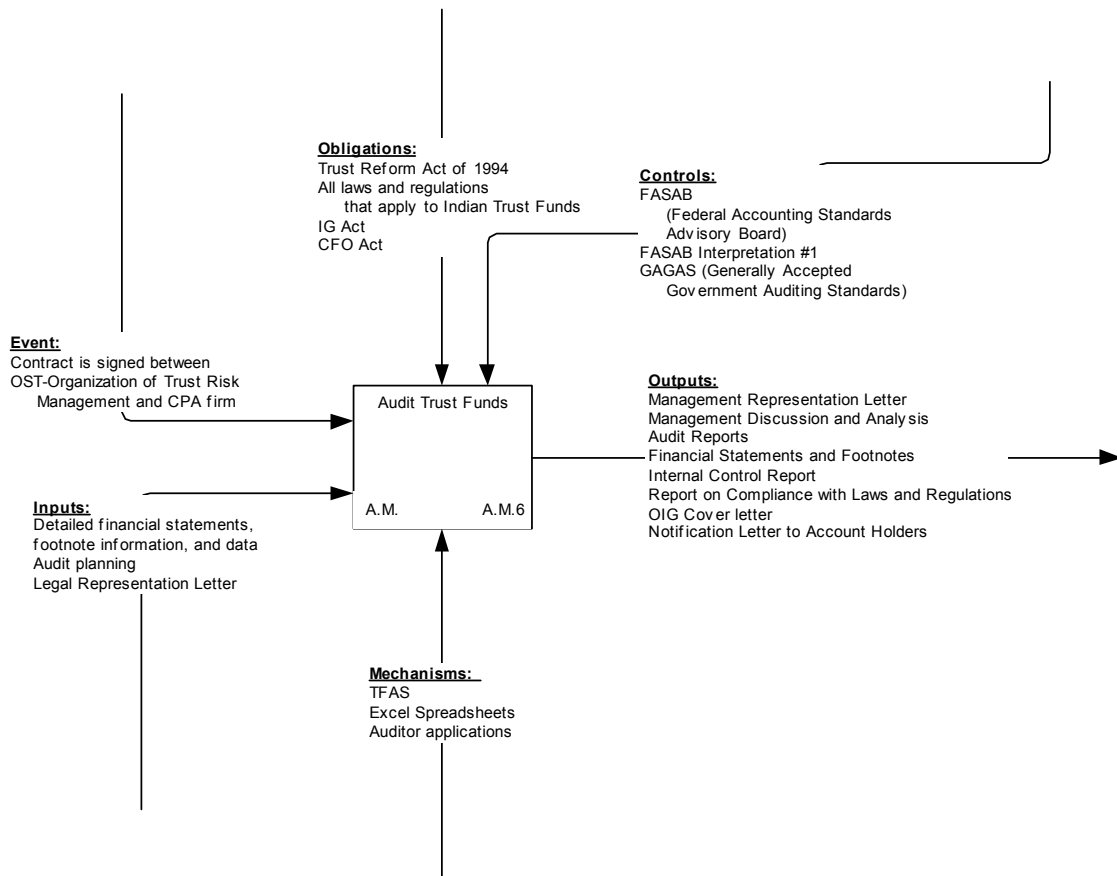


Figure 4.3.7- 7 Audit Trust Funds IDEF (0)



Beneficiary Involvement for Audit Trust Funds

A letter is sent to the beneficiaries to notify them that the Audit Report has been issued and they can obtain a copy of this report by contacting the Office of Inspector General (OIG).

Audit Trust Funds Significant Notes

- a) Audit is limited in scope to funds held in Trust that is accounted for in TFAS and does not encompass the resource income generating assets under BIA management or the processes surrounding the allocation of the amounts that are posted or interfaced into TFAS.



4.3.7.9 Accounting Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.7- 1 Great Plains Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.7- 2 Midwest Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Midwest Region	Mechanism	Lease Distribution Interface file not used in Midwest Region.	Procedural	Distribution information for lease payments must be prepared manually.	High	Medium
Red Lake Field Office	Courts	Tribal Court may order restitution for damages from a minor's account. Tribal Social Services staff creates the necessary paperwork; package is approved by Regional Director and forwarded to OST/OTFM for disbursement of funds from minor's account.	Tribal Law	Additional workload.	Low	Major



Table 4.3.7- 3 Eastern Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						

Table 4.3.7- 4 Alaska Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Location	Tribes bypass the BIA and deal directly with OST/OTFM Regional Office for account maintenance and transactions.	Procedural	Minimal	Low	Major
Bristol Bay Native Association (a consortium of 32 Federally recognized Tribal Villages)	Organization	Tribes don't send bills for leases and permits; instead, they keep collection schedules for account obligations. Will send letters for lessees or permittees when accounts are in arrears; after four months of non-payment, will cancel the lease.	Procedural	Minimal	Low	Medium
Alaska Region	Location	Alaska Region has an exception to OST/OTFM Guaranteed Check policy.	Procedural	Minimal	Low	Major



Table 4.3.7- 5 Northwest Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Fort Hall, Flathead, Yakama, Cherokee, Colville Agencies	Location	Make their own deposits (not OST/OTFM Regional).	Procedural	Depends on how effectively the local BIA office verifies diligence of collections.	Medium	Medium
Lummi and Flathead Tribes	Location	Do their own collections; make deposits with OST/OTFM. No BIA involvement.	Procedural	Depends on how effectively BIA verifies diligence of collections. BIA Collections Officer still provides collection reviews.	Medium	Medium
Northwest Region	Role	Regional Supervisory Trust Accountant does not supervise authorized collectors.	Procedural	Increased risk of errors.	Medium	Minor
Flathead Tribe	Location	Prepares its own disbursement requests and submits to OST/OTFM.	Procedural	Decreases BIA and OST/OTFM workload.	Low	Minor

Table 4.3.7- 6 Eastern Oklahoma Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Osage Agency	Organization	No Social Worker at Osage (because 25 CFR part 117 does not apply); therefore, there are no Social Services Assessments; Superintendent manages Distribution Plans for supervised	Federal Law	May adversely affect beneficiary service.	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		accounts.				
Eastern Oklahoma Region	Location	Eastern Oklahoma does not have OST/OTFM Agency Field Offices. OST/OTFM has agency field offices in Pawhuska and Muskogee, OK	Procedural	Accounting transactions must be forwarded to OST/OTFM Regional Office.	Medium	Medium
Osage Agency	Organization	Osage submits account transactions directly to the OST/OTFM Field Office.	Procedural	Minimal	Low	Major
Osage Agency	Organization	Osage opens IIM accounts for “head right owners” (Osage Tribe owns all sub-surface mineral rights and grants “head right shares”—fractional interests—to enrolled members.	Tribal Law	Minimal	Low	Major
Osage Agency	Mechanism	IIM Account numbers are derived from Annuity file numbers.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Annuity Data Base —Annuity feeds Trust: Every annuitant doesn’t have an IIM account (Osage Only). Contains statistics, head right shares, SS#s, dates of birth, life estates, life interests.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Lake Fund System—System that houses estate accounts (settlements in which principal amount remains and interest	Procedural	Minimal	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		payments are made to heirs who were not named by decedents with an interest in the settlement).				
Osage Agency	Mechanism	Land Management System—Collects and identifies changes made in Osage annuity and updates in realty and Lake funds.	Procedural	Minimal	Low	Major
Cherokee and Choctaw Tribes	Organization	The Cherokee and Choctaw Tribes collect funds and OST/OTFM deposits.	Procedural	Minimal	Low	Major
Osage Agency	Contribution	Collects and deposits their own funds.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Uses Osage Minerals Accounting System instead of MMS.	Procedural	Minimal	Low	Major
Osage Agency	Organization	Osage sends letters to lessees to inform of payments due.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Osage Minerals Accounting System provides daily transaction reports (in place of TFAS 3000 Reports).	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	IRMS, LRIS, RDRS, and NX/A-17 Interface not used at Osage; Land Management Program used instead.	Procedural	Minimal Certificates of Competency	Low	Major
Eastern Oklahoma Region	Mechanism	Doesn't use Lease Distribution System.	Procedural	Lease distribution information is manually	Major	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				prepared (labor-intensive).		
Eastern Oklahoma Region & Osage Agency	Role	Field Solicitor can order disbursements from estate accounts; uses Field Solicitor's Memo.	Procedural	Minimal	Low	Minor
Osage Agency	Organization	Doesn't use auto-pay arrangements for disbursements.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Lake Funds Interface File—input to disbursements.	Procedural	Minimal	Low	Major
Osage Agency	Mechanism	Lake Funds—Osage Annuity System for quarterly annuity payments, semi-annual Lake Fund payments.	Procedural	Minimal	Low	Major
Eastern Oklahoma Region	Role	Eastern Oklahoma uses OST/OTFM Financial Trust Operations Specialists instead of Accounting Technicians.	Procedural	Higher grade for staff with greater skills and experience.	Low	Minor

Table 4.3.7- 7 Southern Plains Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
None						



Table 4.3.7- 8 Rocky Mountain Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Rocky Mountain Region	Location	Rocky Mountain deposits land lease collections into special deposit accounts and then encodes distribution information into Lease Distribution System for posting to appropriate accounts. They do this because all leases come due at the same time and ownership issues have to be researched; sometimes accounts have to be opened.	Procedural	Labor-intensive and tedious work; requires concentration; but agency staff members are doing this while receiving constant interruptions from beneficiaries regarding status of their lease payments.	Major	Medium
Rocky Mountain Region	Organization	OST/OTFM Makes deposits for non-trust assets (on split checks) and faxes supporting documentation to DAM.	Procedural	Minimal	Low	Medium
Rocky Mountain Region	Mechanism	Agency/Regional Collection Program: MS Access database to support collections process used in RM Region. Includes bill, dollar amount, payor, and payee.	Procedural	Facilitates collection process.	Medium	Medium
Rocky Mountain Region	Mechanism	OST/OTFM has no online access to IRMS reports generated from lease distribution interface (Lease Interest JV, Lease Interest Worksheet, Lease Distribution Voucher, Range Payout Voucher) uses hard copies.	Procedural	More time-consuming to refer to hard copy reports.	Medium	Medium



Table 4.3.7- 9 Navajo Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region	Organization	Tribal enrollment functions are contracted to Tribes. Tribes verify enrollments, names, and CIBs, but normally don't get involved with individual accounts.	Procedural	Distributes workload of verifying enrollments for eligibility for IIM accounts.	Medium	Major
Navajo Region	Organization	Navajo Nation doesn't make <i>per capita</i> disbursements.	Procedural	Because Navajo Nation doesn't make <i>per capita</i> payments, it can't help with "whereabouts unknown" issues.	High	Major
Navajo Region	Organization	Direct Pay Agreements are only used for Tribal Accounts in Navajo Region.	Procedural	Lowers risk of direct-pay non-compliance to individuals.	Medium	Major
Navajo Region	Organization	Bills for Collection are not sent to lessees/permittees in Navajo Region. Terms of leases/permits specify when payments are due. Letters are sometimes sent to collect funds for Trespass and Damages. Permits run five years, and leases usually run longer. Agencies are supposed to monitor compliance.	Procedural	This is sometimes a problem because companies don't pay on time, and there is no penalty.	Medium	Medium
Eastern Navajo Agency	Location	Individual allotments, Tribal land, State land, and Federal land are commingled in grazing permits. Payments are allowed to	Procedural	Minimal	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		accumulate in a special deposit account up to \$36,000, then distributions and disbursements are made to IIM account holders. Payments are allowed to accumulate again for each of the remaining three categories of land; then distributions and disbursements are made.				
Navajo Region	Role	Office Automation Specialist (Grazing) performs role similar to Program specialists and clerks (Realty, Forestry, etc.).	Procedural	Minimal	Low	Minor
Navajo Region	Location	No OST/OTFM Agencies exist in Navajo Region.	Procedural	Collections must be hand-carried or mailed to OST/OTFM Regional Office; taking hours of driving time or days through the mail.	High	Major
Navajo Region	Mechanism	Navajo Region doesn't have Strata Vision.	Procedural	Decreases availability of TFAS Daily Reports.	High	Medium
Navajo Region	Mechanism	TFAS 3000 Daily Reports are available to OST/OTFM but not BIA.	Procedural	Impairs BIA in answering account inquiries; verifying transactions.	High	Medium



Table 4.3.7- 10 Southwest Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Laguna Pueblo, Jicarilla Apache Nation, Southern Ute Tribe, Ute Mountain Tribe	Organization	Tribes control their own collections and funds due to Memoranda of Understanding put into place prior to Public Law 103412; may have lock-box arrangements with local banks to collect money on Tribes' behalf.	Federal Law	Depends on how effectively the local BIA office verifies diligence of collections.	Medium	Major
Southwest Region	Role	Social Workers prepare account maintenance requests for supervised IIM accounts; similar to role of BIA program staff with respect to account maintenance..	Procedural	Minimal	Low	Minor
Southwest Region	Location	BIA Regional Office doesn't deal with IIM accounts, only with Tribal Trust Accounts.	Procedural	Minimal	Low	Medium

Table 4.3.7- 11 Western Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Fort Yuma, Colorado River, and Salt River Agencies	Location	Lessees pay landowners directly; funds don't go through Trust. BIA agencies send Bills for Collection to lessees. Lessees pay landowners directly and send proof of payment to BIA. The	Procedural	Decreases workload for BIA agencies; business impact to landowners depends on how effectively BIA verifies payments.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		only Trust accounts are for minors, “whereabouts unknown,” or supervised adults.				
Western Region	Mechanism	Use of Lease Distribution system varies from agency to agency in Western Region; Fort Yuma and Colorado River Agencies are about 70% direct pay.	Procedural	Decreases workload for BIA agencies; business impact to landowners depends on how effectively BIA verifies payments.	Medium	Medium
Western Region	Location	Western Region has OST/OTFM Agency collection officers; agencies submit accounting transactions directly to OST/OTFM Central Office (bypassing Regional).	Procedural	Improves beneficiary service, expedites deposits and account maintenance transactions.	High	Medium
Fort Yuma Agency	Mechanism	Direct Lease Payment Billing System—Sends invoices to lessees/permittees who pay directly to account holders and tracks receivables; Invoices list account numbers, person’s name, amount due. Includes confirmation section to be returned to agency for verification of payment to account holder.	Procedural	May be a best practice.	High	Medium
Fort Yuma Agency	Role	Administrative Assistant prepares regular disbursement requests (usually prepared by program office staff).	Procedural	Decreases workload of program staff.	Medium	Minor



Table 4.3.7- 12 Pacific Region Accounting Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Northern California Field Office	Mechanism	NX/A-17 Interface; Lease Distribution System is used for Tribal <i>per capita</i> distribution; not for lease distribution.	Procedural	Minimal	Low	Medium
Pacific Region	Mechanism	Royalty Distribution Reporting System (for updating ownership) not used.	Procedural	Minimal	Low	Medium
Palm Springs Field Office	Mechanisms	About 70% of leases are paid on a monthly basis; they have a PC Lease Distribution system that prints out Field Receipts and payment coupons; checks go to Bank of America lock-box in San Francisco. OST/OTFM Agency Collection Officer gets copies of checks, payment coupons, and a listing and deposit ticket of what was deposited from bank. Payment coupons provide IIM account number to which funds should be posted. OST/OTFM Agency staff uses that information to make a schedule of collections and post to CSS, then fax to Albuquerque.); "Lease Compliance" positions in BIA Realty Office monitor payments.	Procedural	May be a best practice.	High	Major
Pacific Region	Organization	BIA Branch of Tribal Operations	Procedural	Minimal	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		issues IRMS ID numbers for IIM accounts in Pacific Region.				
Hoopa Tribe	Organization	Hoopa Forestry Office prepares Bill of Collections information and submits to BIA. BIA prepares actual Bill of Collections and sends to buyer. Buyer pays by wire transfer, and Tribe transfers funds to OST/OTFM. Funds go into Tribal accounts or to individual allotments, depending on circumstances.	Procedural	Minimal	Low	Major
Palm Springs Field Office	Role	OST/OTFM Agency staff prepares schedule of collections for submission to Regional OST/OTFM office (instead of BIA Collection Officer).	Procedural	Decreases BIA workload.	Medium	Medium
Pacific Region	Organization	OST/OTFM Regional Office has a waiver on faxing confirmed SF 215 Deposit Tickets to OTFM Central with deposit and posting information, because they receive by mail from Bank of America.	Procedural	Minimal	Low	Medium
Pacific Region	Mechanism	Does not have Vital Statistics (Tribal, States, Federal)	Procedural	May affect account maintenance and level of beneficiary service.	Medium	Medium
Pacific Region	Mechanism	Historical Query Data Base (Histran) is not available to	Procedural	May affect account maintenance and level of	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		everyone.		beneficiary service.		
Palm Springs Agency	Mechanism	Correspondence Tracking System—Used to track checks.	Procedural	Provides quality assurance and quality control for collection and deposit process.	High	Medium
Pacific Region	Role	Social Services exists at BIA Region only.	Procedural	May adversely affect beneficiary service.	Medium	Medium
Pacific Region	Organization	Due to OST/OTFM Agency presence in Pacific Region, BIA refers all IIM account inquiries and transactions to OST/OTFM.	Procedural	Decreases BIA workload and improves beneficiary service.	Medium	Medium



4.3.8 Cadastral Survey Services (S)

4.3.8.1 Cadastral Survey Services Summary Process Description

The overall process starts with: Receive an inquiry or directive for survey services to address a need.

It ends with: Perform an update to Cadastral information as well as distribution of survey service results and action taken to resolve the initial need, as necessary.

The Cadastral Survey process starts with either an individual beneficiary, Tribe, BIA or external party (e.g. judicial direction) identifying a need for survey services. The inquiry is reviewed to assure it pertains to Trust land and the interested party would benefit from survey services. If that review affirms the need, supporting information is accumulated by BIA or the Tribe, which either sends an informal request to BLM or decides to pursue non-BLM survey services. If resolution of the need can be performed by a non-BLM source, the request is given to a private survey contractor or performed by BIA or Tribal staff. Generally, there is no federal or local authority for non-BLM surveys performed on Trust lands and BLM has no involvement in them.

Survey services may be needed to resolve a trespass, to develop or protect a natural resource, to determine reservation boundaries for law enforcement purposes, or to provide a legal description for any number of land management needs. If the informal request is sent to BLM, BLM performs a preliminary analysis, and then describes and costs a proposed solution. BIA, in consultation with individual requestors or Tribes, considers funding availability and importance of the need and then assigns a priority (or puts the informal request on hold if a low priority). BIA turns these informal requests into a list of formal requests and submits it to BLM with the priority and funding identified. When work begins, BLM accumulates needed additional data and pursues a research and analysis sequence, depending on whether a full Cadastral Survey or one or more other services is required. After performing the survey or consultation service, official records, written reports, and digital products or other results are prepared and distributed to BIA, the Tribe, and /or requestor. Records in official systems are updated and annual reports are developed and distributed.

Funds for Cadastral Surveys are provided by the BIA headquarters office to the BLM under a national Interagency Agreement (IA) negotiated by both bureaus. This IA distributes funds to the various BLM State Offices based on an emphasis for BLM/BIA Project Offices and prior year commitments. BIA and BLM are currently working together developing a priority setting process that places more emphasis on Regional Office priorities.



Events:

Litigation
 Congressional Mandate for Border Adjustment
 Identified Unsurveyed Land
 Law Enforcement
 Request for Survey Services
 Consultation Request to BLM by Walk-in, Phone, Email, or Field Meeting
 Lease Compliance Findings
 Request for Non-BLM Services
 (only occurs on an as needed basis)
 Critical Short-Time Frame Event (Non-BLM services contracted for partitionment of non-riparian areas, homesites, new fences built, homestead boundary dispute, accretion, flooding, land exchange, ROW)
 Informal Request from Agency to Regional Office or as needed
 Backlog of Requested Surveys
 Conveyance (e.g. acquisition or disposal of land)
 Written Correspondence

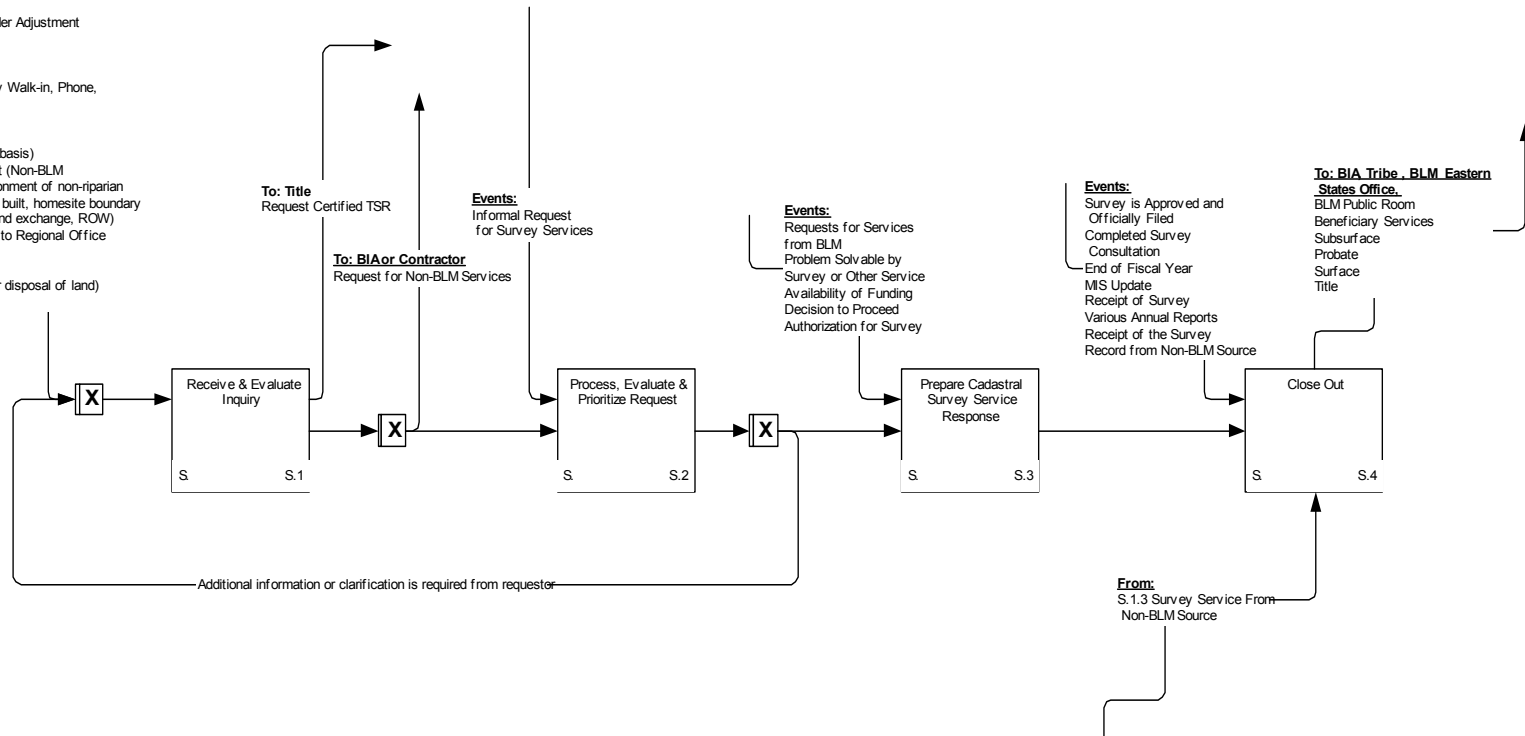


Figure 4.3.8- 1 Cadastral Survey Services High Level Diagram



Cadastral Survey Services Objectives

A Cadastral Survey is a federally authorized and conducted land survey that shows and records property boundary lines and official acreages. Cadastral Surveys create, reestablish, mark, and define boundaries of tracts of federal interest and Indian Trust lands for all resource management purposes. Cadastral Surveys are considered an inherently federal function. These surveys, and the boundaries created or vested in the lands affected, cannot be ignored, repudiated, altered, or corrected, unlike administrative or scientific surveys of an informative character that may be amended with changing conditions or because they are not executed according to the standards now required for accuracy. Cadastral Surveys require detailed investigation on the history of land use as well as legal and historical documents research matching physical evidence with these records. In the majority of the United States, Cadastral Surveys are the framework from which original title, legal land descriptions, private and other federal surveys originate.

BLM is responsible for program management, leadership, policy development, and maintenance of standards and procedures for the Public Land Survey System (PLSS). BLM Cadastral Surveys are considered the standard for such surveys and carry the full authority and weight of the US government. By federal statute (25 USC 176) surveys of any Indian land or other Reservations are to be performed under the direction and control of BLM. However, in some cases surveys are performed for BIA, the Tribes, and individuals by their own staff or private survey companies. BIA provides funds for BLM Cadastral Survey services to BLM on a reimbursable basis. Occasionally, individuals or Tribes may provide funding directly to BLM for services and BIA is not involved in that process.

As noted in Chapter 1, the specific Trust Strategic Goals and Objectives that relate to Cadastral Survey services are as follows:

a) Strategic Goal 1 - Beneficiary Services

Enhance and maintain a beneficiary focus of providing service to and maintaining communications with beneficiaries.

b) Strategic Goal 2 - Ownership Information

Verify, track, and maintain the land, natural resource, and fund asset ownership information required to manage assets effectively and to provide beneficiary services.

Objective 2.2 Surveys

Establish accurate and up-to-date surveys to ensure correct boundaries for trust individual and Tribal lands and any resulting revenue distribution.

Objective 2.3 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.

c) Strategic Goal 3 - Land and Natural Resource Assets

Provide stewardship and management of land and natural resource assets in the best interests of the beneficiaries, while fulfilling fiduciary and legal responsibilities.

Objective 3.1 Land and Natural Resource Asset Plans and Stewardship Strategies

Develop land and natural resource asset plans and stewardship strategies.



Objective 3.2 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 beneficiary's intended use of the assets.

Objective 3.3 Land and Natural Resource Asset Business Management

Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries, as required, and to incorporate beneficiary requirements.

Objective 3.4 Appraisals

Obtain appraisal information, as necessary, on trust and restricted lands for Tribal and individual Indian owners, using methods and techniques that meet professional standards.

d) Strategic Goal 6 - Administrative Services

Develop, maintain, and coordinate administrative services to support the effective and efficient fulfillment of DOI trust management responsibilities.

Objective 6.6 Business Practices

Develop and maintain business processes and practices that are based on professional standards that are complete, consistent, and reliable.

Objective 6.7 Performance Measures

Develop, maintain, and use clear performance measures to manage trust operations and to assess performance.



4.3.8.2 Receive & Evaluate Inquiry (S.1)

Starts with: Receive a request for a survey service from a beneficiary, Tribe, BIA or external party.

Ends with: Send an informal request for a survey or service to the BIA Regional Office.

This step starts with an individual beneficiary, Tribe, BIA or external party (e.g. judicial action) requesting survey services at a BIA Agency Office or directly to BLM. Events that would trigger an inquiry for survey services may include: litigation, trespass situations, need for homesites, conveyances, and resource development.

The inquiry is reviewed to assure it pertains to Trust land and the interested party would benefit from survey services. Often, this review involves a field investigation of the property in question by BIA Agency or Tribal staff. If that review affirms the need, BIA or the Tribe accumulates supporting information and either develops a listing of survey needs that become informal requests to send to BLM or decides to pursue non-BLM survey services. For example, non-BLM sources are used when a survey is needed for Rights of Way, construction purposes, or when a need is identified which has been determined to have such a short time frame that BLM cannot respond in a timely manner. If resolution of the need can be performed by a non-BLM source, the request is contracted to a private surveyor or performed by BIA Agency or Tribal staff.

If the survey service is to be performed by BLM, the BIA Agency Office forwards the inquiry to the BIA Regional Office. Tribes contact BLM directly if the Tribe will be providing the funding. The BIA Regional Office then prioritizes the list of needs identified by all the BIA Agencies within the Region and determines if funding is available. This is usually performed once or twice a year. After the prioritization and funding has been completed, the BIA Regional Office sends a listing of informal requests to BLM for review.

There are currently 12 Cadastral Survey Project or Field Offices, each established to serve a specific Tribe or BIA office. These offices are managed by BLM Cadastral Surveyors and may be staffed by BLM, BIA, and Tribal employees. Because of the close working relationship between these offices and BIA and the Tribes, initial inquiries for Cadastral Survey services are generally prioritized here. In Regions with Project Offices, funds for surveys may have been allocated under a local agreement with BIA, and in some cases, a Tribe provides funds, people and other resources.

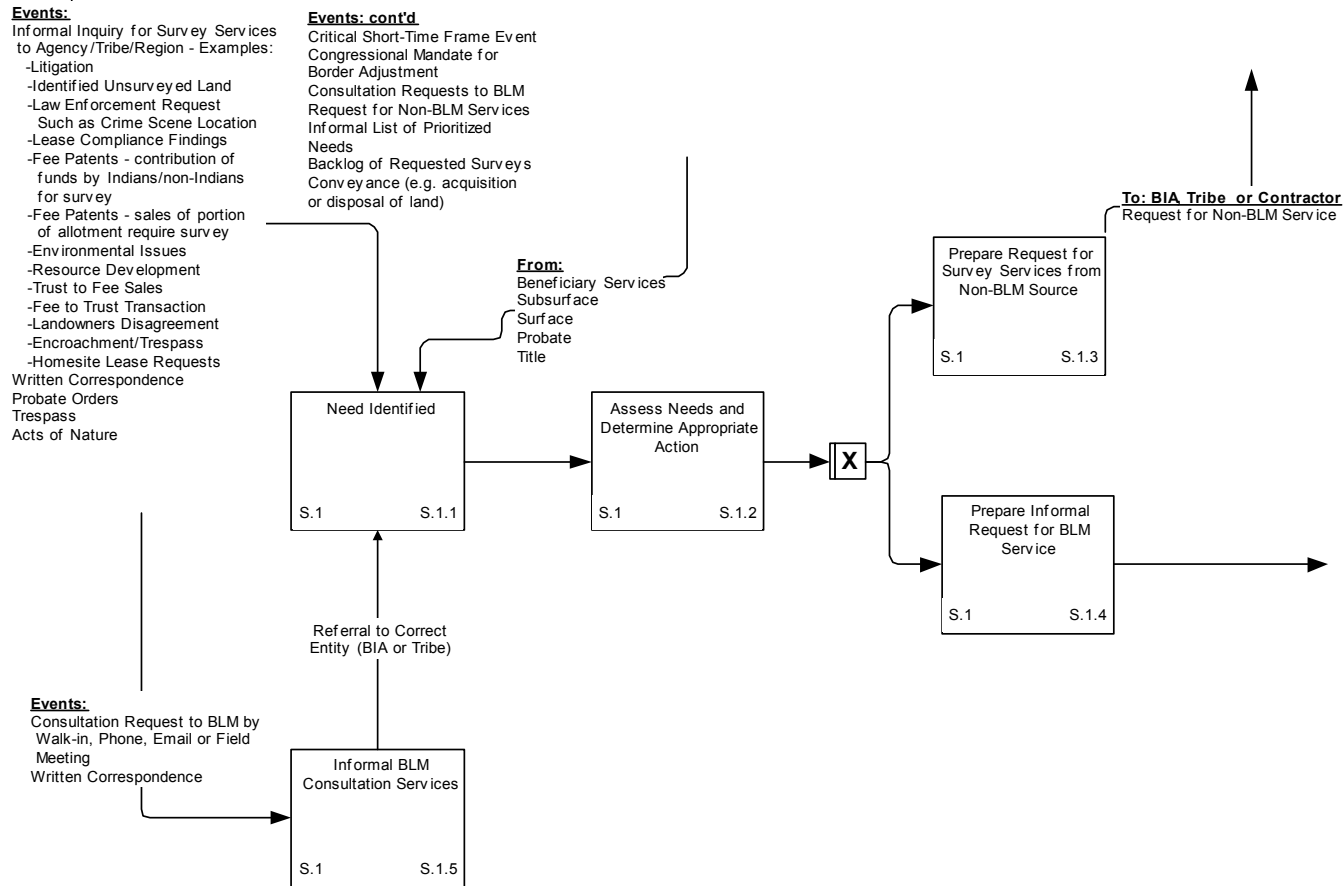


Figure 4.3.8- 2 Receive and Evaluate Inquiry IDEF (3)



Beneficiary Involvement for Receive & Evaluate Inquiry

Beneficiary involvement in this process step involves making the initial inquiry as well as supplying information to define the issue.

Receive & Evaluate Inquiry Significant Notes

- a) There is no standardized way to evaluate and process needs. Every region and agency has different methods to identify survey needs. Different staff within BIA are employed to process the needs once identified, such as Rights Protection Specialists, Natural Resource Officers, and Realty Officers. Other federal entities, Tribes, and private individuals identify needs.
- b) Private companies are working with Tribes to conduct surveys of Trust lands and allotments without the involvement of BIA or BLM. Information and records are not being shared once the survey is completed. Some Tribes feel this information is proprietary.
- c) Where Project Offices exist, the Cadastral Survey services process is condensed due to the close working relationships between the Tribes, BIA and BLM staff. Project Offices are funded by long-term agreements between BIA and BLM; however, these arrangements allow low-priority projects to take precedence over higher-priority needs of some regions.
- d) Some Title Status Reports contain inaccurate ownership information and legal descriptions not based on current surveys. Frequently, encumbrances such as Rights of Way are not consistently recorded. The same has been reported with Probate Orders.



Receive & Evaluate Inquiry Detail Description

Need Identified (S.1.1)

Starts with: Receive an inquiry or complaint, litigation, or congressional mandate.

Ends with: Determine that the need is valid.

An individual Indian landowner, Tribe, or BIA Agency representative will identify a situation in which a Trust asset may require a boundary determination. A survey service may be needed to resolve a trespass, to develop or protect a natural resource, to determine reservation boundaries for law enforcement purposes, or to provide a legal description or location for a homesite. An infrequent but significant activity results from congressional or legal actions or mandates that may require surveys. At this stage of the process, most inquiries are handled informally by BIA or the Tribes at Field Office locations and are evaluated on a case-by-case basis to determine if (1) the lands are Trust, (2) the individuals involved are Indian and entitled to a service, and (3) a survey or consultation service will contribute to the resolution of the problem. Often the individuals making the inquiry are not aware of the services available or how to acquire those services. The events that would trigger an inquiry for survey services include:

- a) Litigation
- b) Identified Unsurveyed Land
- c) Law Enforcement Request
- d) Lease Compliance Findings
- e) Fee Patents - contribution of funds by Indians/non-Indians for survey
- f) Fee Patents - sales of portion of allotment require survey
- g) Environmental Issues
- h) Resource Development (timber sales, short term leasing of resources)
- i) Trust to Fee Sales
- j) Fee to Trust Transaction (surveyed by private contractor)
- k) Landowners Disagreement
- l) Encroachment/Trespass (potential rights protection issue)
- m) Homesite Lease Requests in a Given Area

BLM State Offices and BLM/BIA Project Offices frequently work with Tribes and BIA Agencies to help them identify their needs and help determine the best solution. Resource development or lease compliance inspections may identify boundary related problems, which could require further field investigations by BIA Agency staff or BLM Project Office staff to determine the validity of the need.

Requirements for a survey needed to identify a “residential” or “homesite” for construction or mortgage purposes, or to fulfill congressional requirements, will generally not require Step S.1.1.

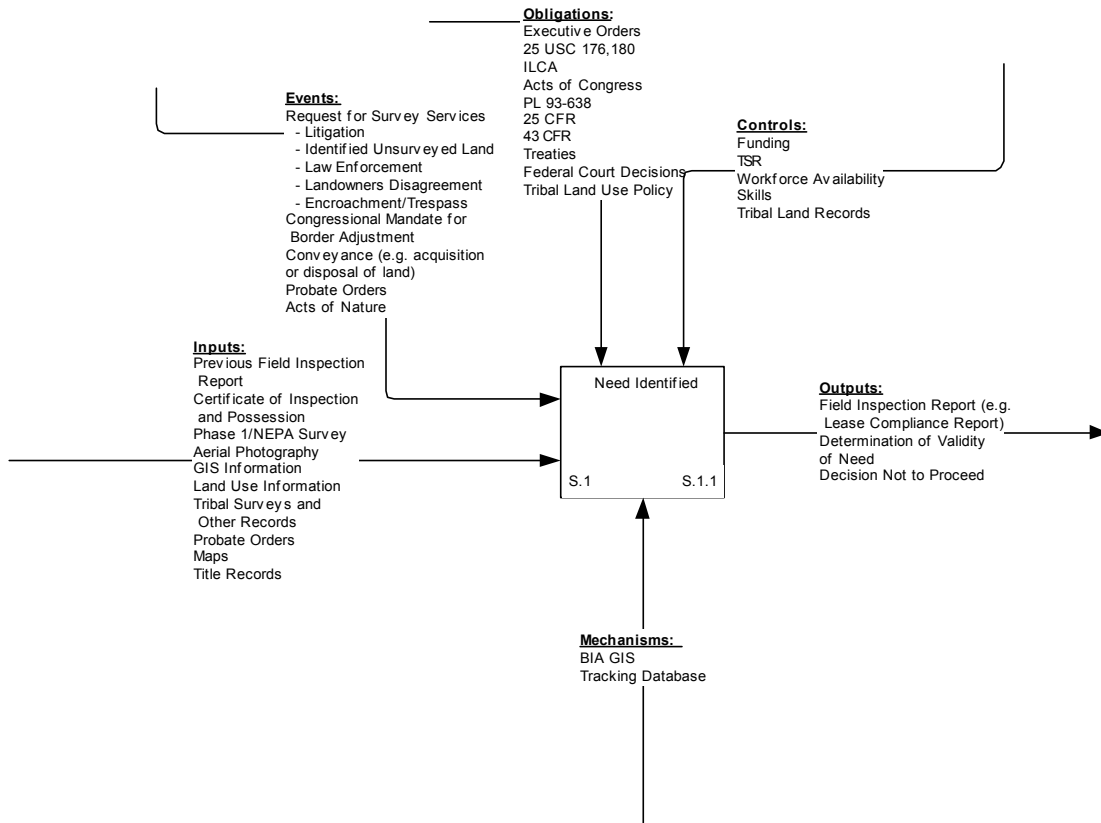


Figure 4.3.8- 3 Need Identified IDEF (0)

Assess Needs and Determine Appropriate Action (S.1.2)

Starts with: Research and/or possibly a field inspection that has validated the need.

Ends with: Document findings in response to the request from additional field inspections.

This step can be a very short timeframe event and may be handled at the moment the inquiry is received in a BIA or Tribal office. However, in some cases this process could be extensive involving Natural Resource Specialists, Rights Protection Specialists, Realty Staff, attorneys and individuals familiar with the area of concern and the associated issue. Additional research is often performed and a field inspection of the subject area may be required. BLM staff is often involved with BIA or the Tribe in analyzing the need and determining the most appropriate action. At times, consultation with DOI Solicitors and/or private attorneys is necessary to clarify the situation. After analysis, if BIA or the Tribe decides to move the request forward, a decision is made to either request a Cadastral Survey service from BLM or to pursue a survey service from a non-BLM source.

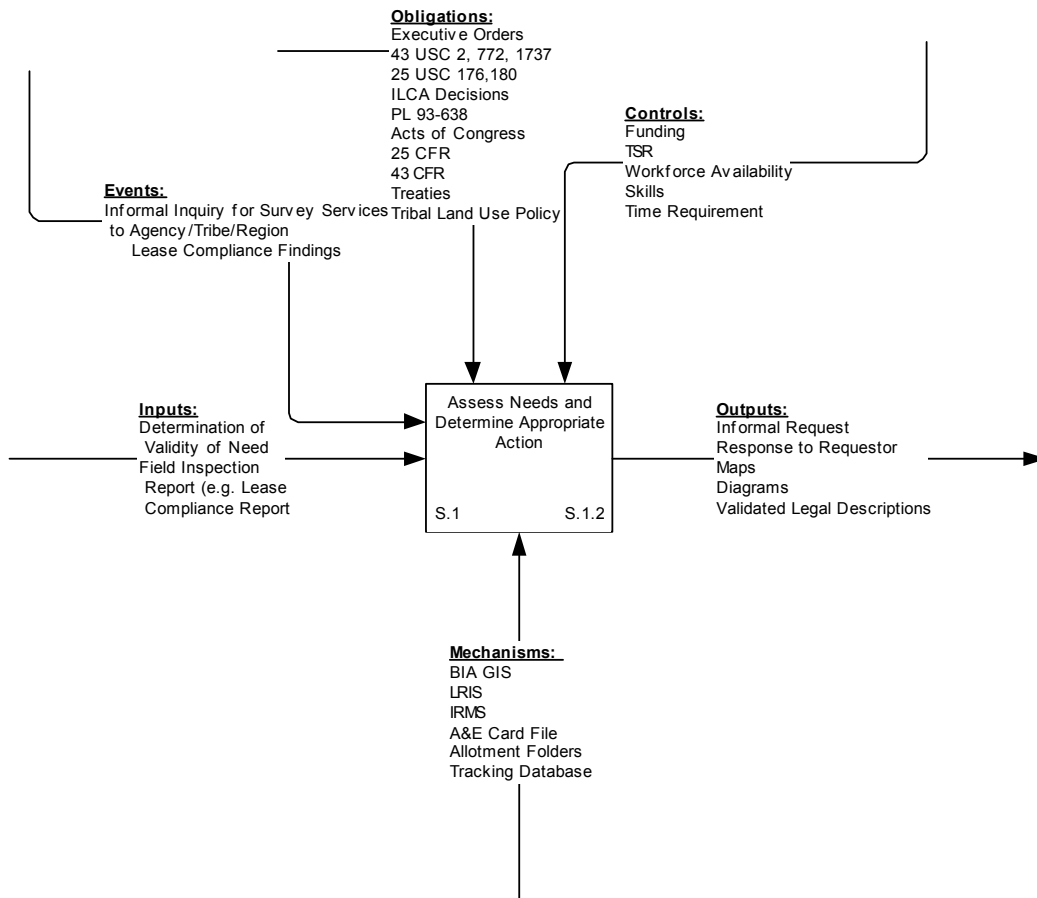


Figure 4.3.8- 4 Assess Needs and Determine Appropriate Action IDEF (0)



Prepare Request for Survey Services from Non-BLM Source (S.1.3)

Starts with: Decide to request survey from non-BLM source and/or BIA keeps the work in-house.
Ends with: Complete a signed survey plat with corners identified or an administrative survey without signature or monuments.

Surveys from non-BLM sources include those acquired via contracts between state licensed private surveyors and BIA, individuals or a Tribe; those performed by BIA or Tribal survey staff; or those acquired from third party sources who contracted the survey in concert with another activity such as the development of timber resources or acquisition of Rights of Way. Individuals may acquire this type of survey at their expense without informing BIA or the Tribe even though the survey may affect Trust interests. These surveys may or may not establish boundary monuments or recordable documents such as plats (the drawing which represents the particular area included in a survey) and are often considered by the requestor to be administrative in nature. The requestor often assumes that these administrative surveys do not need to be completed under normal state or federal survey authorities. This type of survey is often used to identify allotment boundaries for fencing or residential construction. Generally, there is no professional oversight provided for these surveys by BIA or the Tribes. These surveys have been used to create new legal descriptions of Trust lands and in trust-to-fee and trust-to-trust conveyances. BLM is not involved with these surveys.

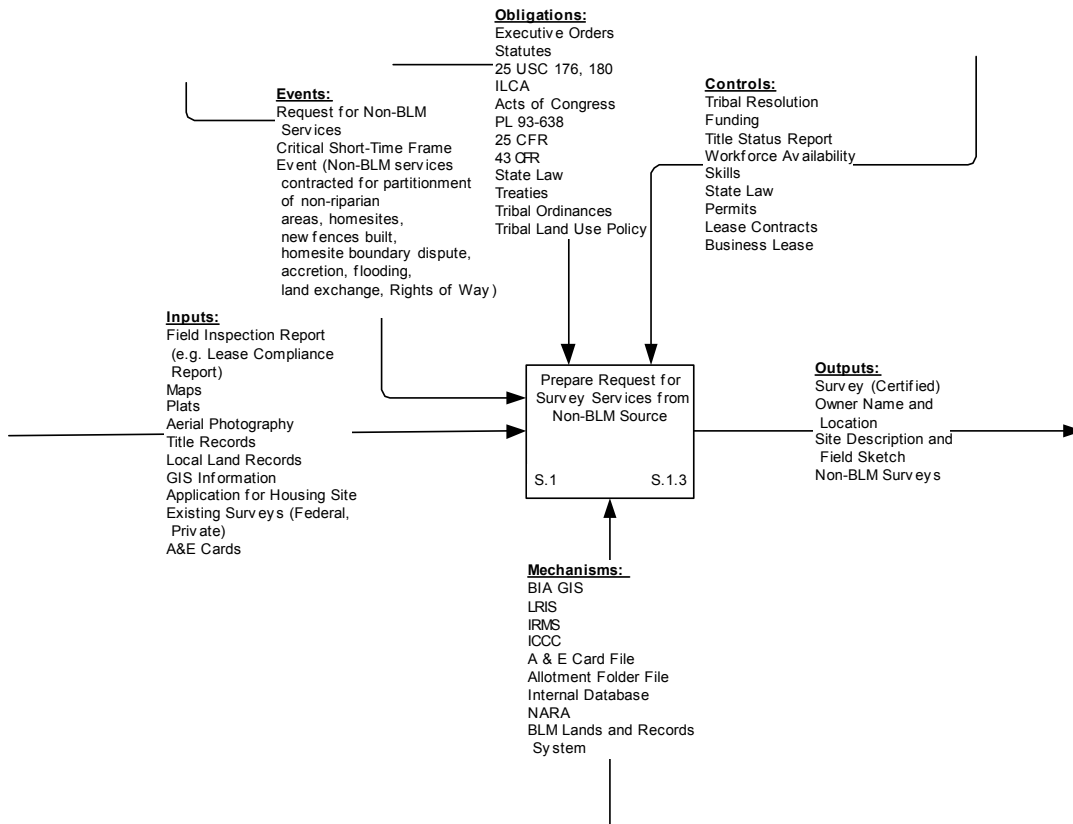


Figure 4.3.8- 5 Prepare Request for Survey Services from Non-BLM Source IDEF (0)



Prepare Information Request for BLM Service (S.1.4)

Starts with: Notification to the BIA Regional Office from a BIA Agency or Tribe that a Cadastral Survey is needed.

Ends with: Begin the BIA Regional Office or BLM process.

A listing of needs for BLM Cadastral Survey services is developed, generally at the BIA Agency or Tribal level. The informal list will include both newly identified needs and older requests for surveys that may have been backlogged for many years. BIA Agencies or the Tribes forward the list of informal requests, and on occasion a formal request, to the BIA Regional Office for prioritization and funding. In Regions with Cadastral Survey Project or Field Offices, the requests may be prioritized at the BIA Agency or Field Office level in consultation with BLM. In BIA Regions with Project Offices, funds for surveys may have been agreed to under a local agreement with BIA and priorities are developed between the Project Office, BIA Agency, and the Tribe. In some areas, especially BIA Agencies or Field Offices without Superintendents or Field Representatives, the informal priority setting process is accomplished at the Regional level and may involve individual requestors or Tribes.

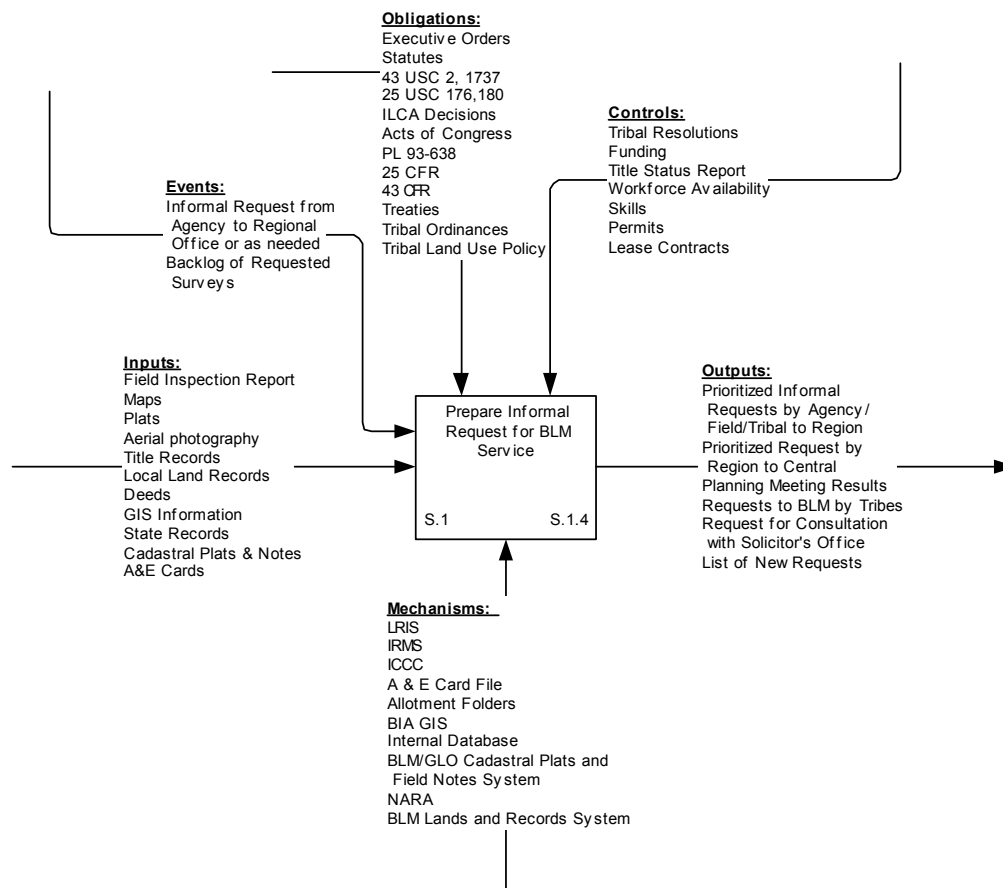


Figure 4.3.8- 6 Prepare Informal Request for BLM Service IDEF (0)

Informal BLM Consultation Services (S.1.5)

Starts with: Send an informal request for information to BLM staff.

Ends with: Provide information or a referral to BIA or the Tribe for survey services.

Questions regarding survey, ownership, or land records are addressed to BLM Cadastral staff working in State, Field, or Project Offices. Individuals, Tribal staff, attorneys, or other specialists working in Indian Country will initiate an inquiry, which may be simple to complete or may require considerable time and resources. If the inquiry cannot be adequately addressed in a minimum amount of time by BLM staff, the inquiry is referred to BIA or the Tribe for further consideration. These informal consultations may end with a Cadastral Survey, a non-BLM survey, or other consultation service, but usually end with the inquiry being addressed.

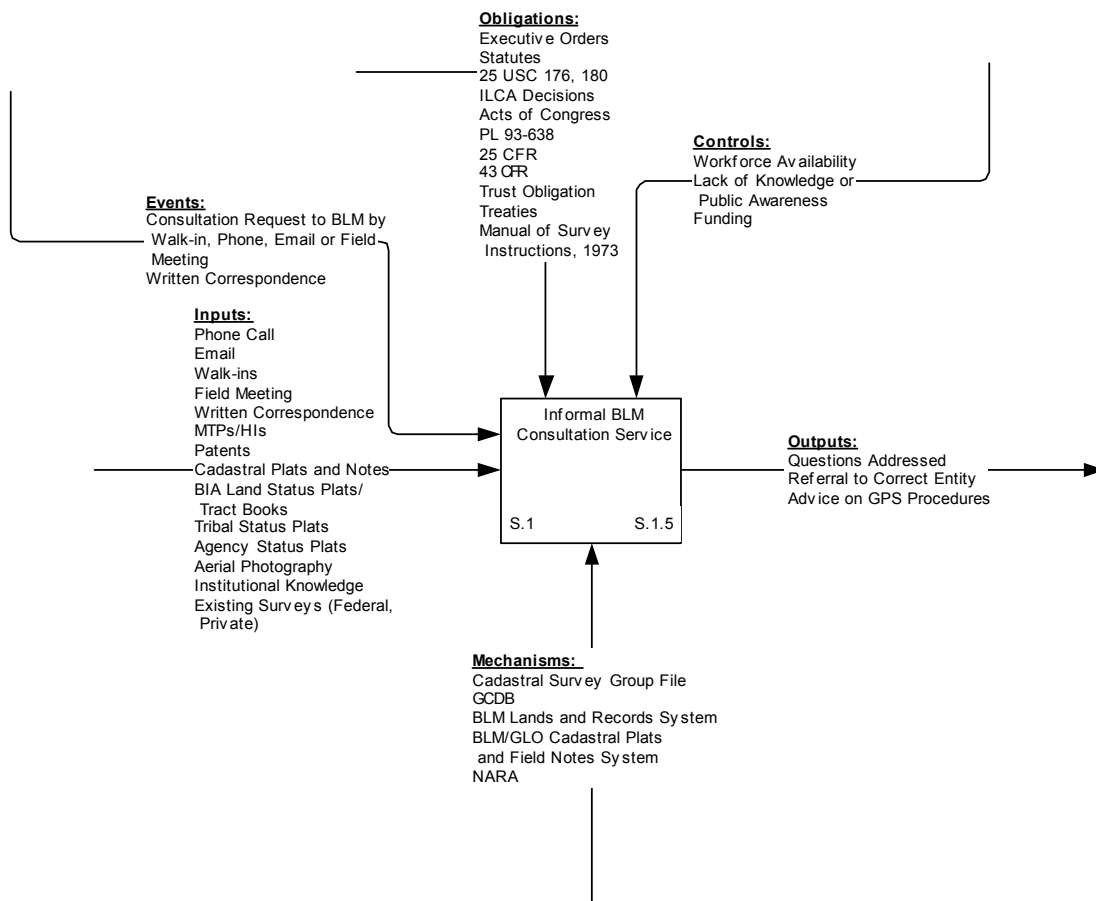


Figure 4.3.8- 7 Informal BLM Consultation Services IDEF (0)



4.3.8.3 Process, Evaluate & Prioritize Request (S.2)

Starts with: Receive an informal request for BLM survey services from BIA or a Tribe.

Ends with: Deliver to BIA or a Tribe a BLM report on the proposed solution; a decision; and a formal request to proceed.

An informal list of needs for a survey or survey service is submitted to BLM from BIA or a Tribe. BLM performs a preliminary analysis, and then describes and costs a proposed solution. BIA or the Tribe, in consultation with the requestor, considers funding availability and importance of the need and then assigns a priority (or puts the informal request on hold if a low priority). BIA or the Tribe then resubmits to BLM a formal request for a survey with the priority and funding identified. At any time during this process, BLM may also identify to BIA future survey projects for consideration that BLM found in the course of other Cadastral Surveys or the identification of important unsurveyed lands.

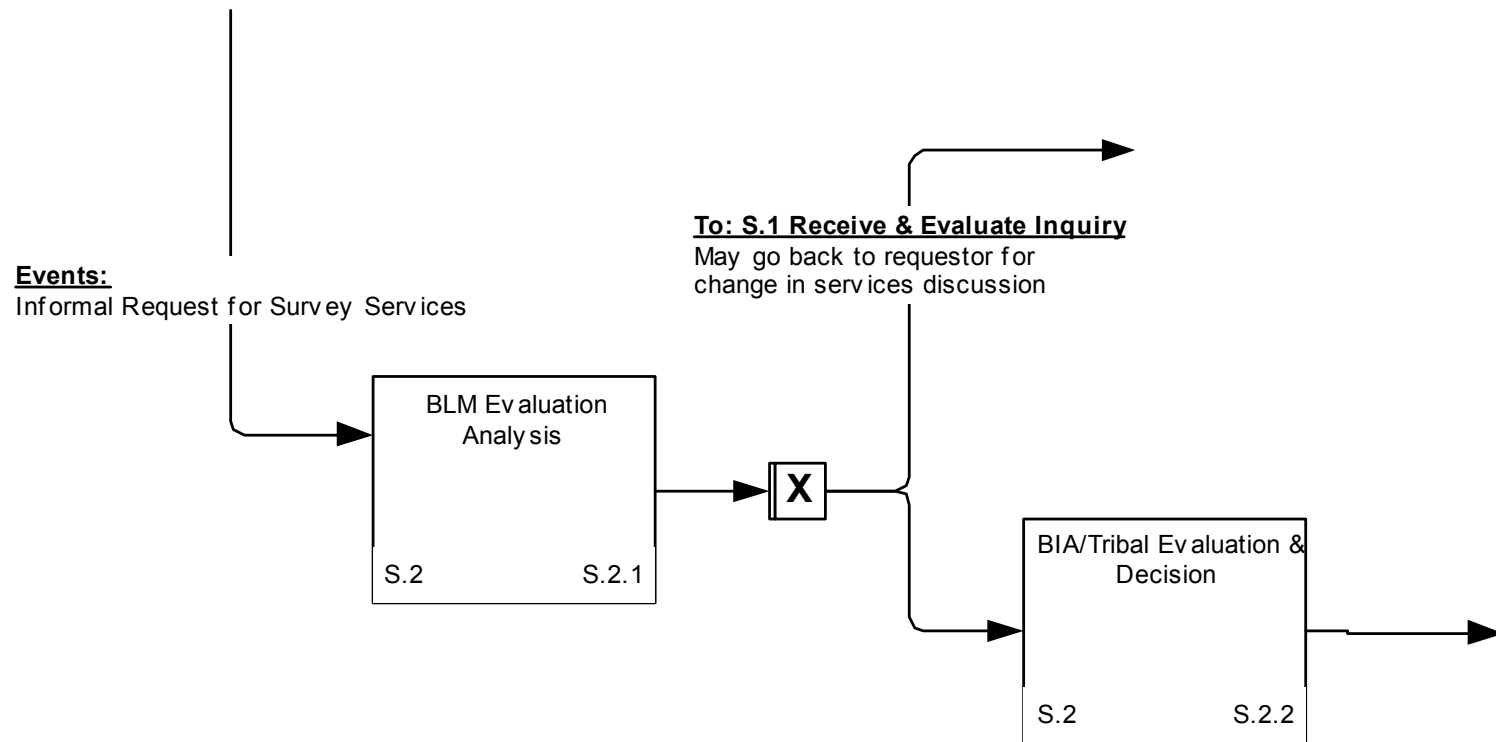


Figure 4.3.8- 8 Process, Evaluate & Prioritize Request IDEF (3)



Beneficiary Involvement for Process, Evaluate & Prioritize Request

Beneficiary involvement in this process step involves providing additional information when necessary.

Process, Evaluate & Prioritize Request Significant Notes

- a) Funds are being allocated each fiscal year by BIA, but are not being distributed to BLM offices for six to eight months after being identified.



Process, Evaluate & Prioritize Request Detail Description

BLM Evaluation Analysis (S.2.1)

Starts with: Receive an informal request from BIA or a Tribe for a survey service.

Ends with: Determine that a survey or other service is the best solution with a cost estimate and proposed solution.

An initial list of needs for surveys is prioritized by the BIA Regional Office and, through consultation with the BLM State Office, a rough estimate of the cost and scope of the survey project or service is developed. This is an iterative process between BLM and BIA. Through discussions between BLM and BIA a determination is made on whether or not BLM can resolve the request with an official Cadastral Survey or some other service. Upon completion, the estimate and proposed solution are returned to BIA or the Tribe for consideration.

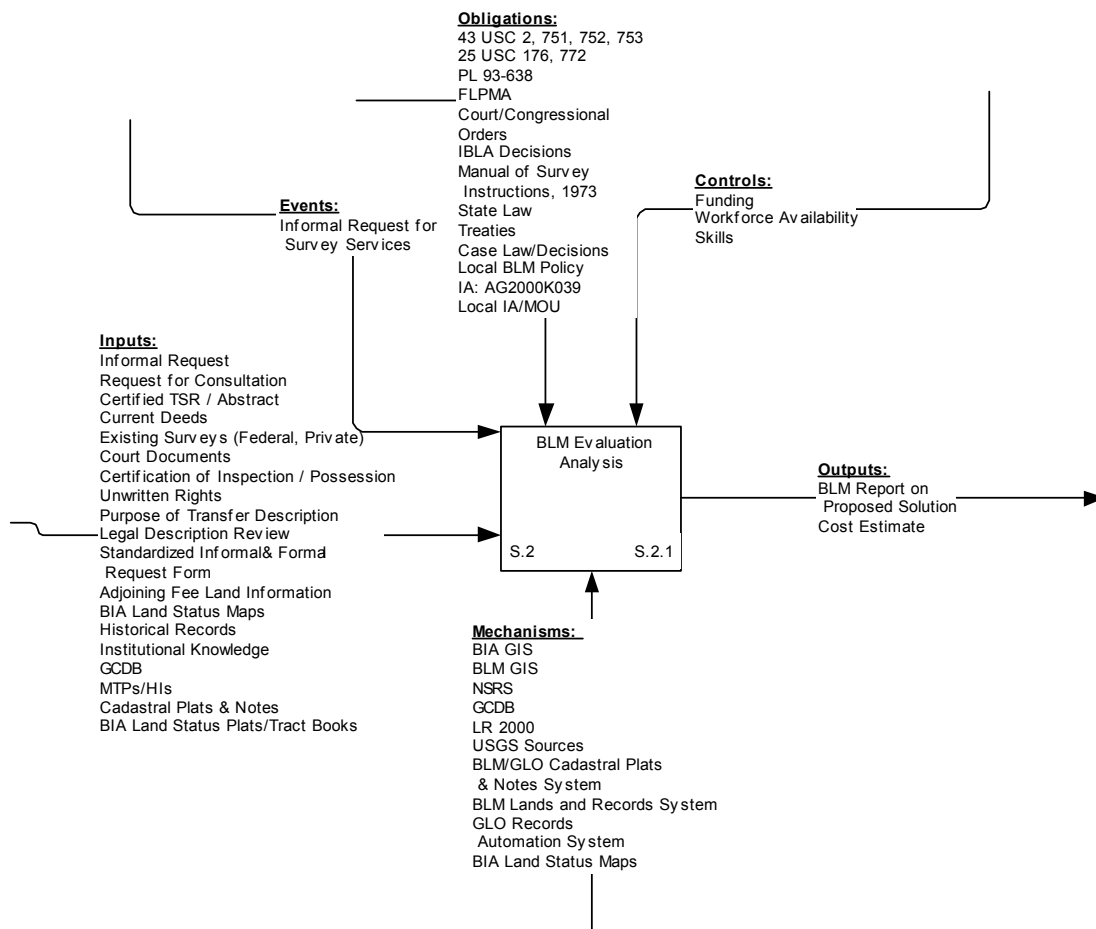


Figure 4.3.8- 9 BLM Evaluation Analysis IDEF (0)



BIA or Tribal Evaluation and Decision (S.2.2)

Starts with: BLM working with the BIA Regional Office/BIA Agency/Tribes to evaluate proposed solution.

Ends with: Make a decision on whether or not to proceed; develop a formal request.

The BIA Regional Office, BIA Agency or Tribe evaluates the proposed solution, including a cost estimate, provided by BLM and makes a decision on whether or not to proceed. If the decision is affirmative, BIA or the Tribe will notify BLM of the decision with funding identified. Generally, the surveys will be accomplished on a reimbursable basis by BLM from appropriations made available to BIA. Some Tribes and BIA offices will place funds for surveys or services on deposit to be directly charged by BLM. If the decision is not to proceed, the BIA Regional Office may place the need in a backlog position for future reconsideration or may advise the requestor that the need will not be addressed.

Funds for Cadastral Surveys are provided by the BIA Headquarters Office to the BLM under a national Interagency Agreement (IA) negotiated by both bureaus. This IA distributes funds to the various BLM State Offices based on an emphasis for BLM/BIA Project Offices and prior year commitments. The BIA Regional Offices then identify specific projects not handled by Project Offices for funding.

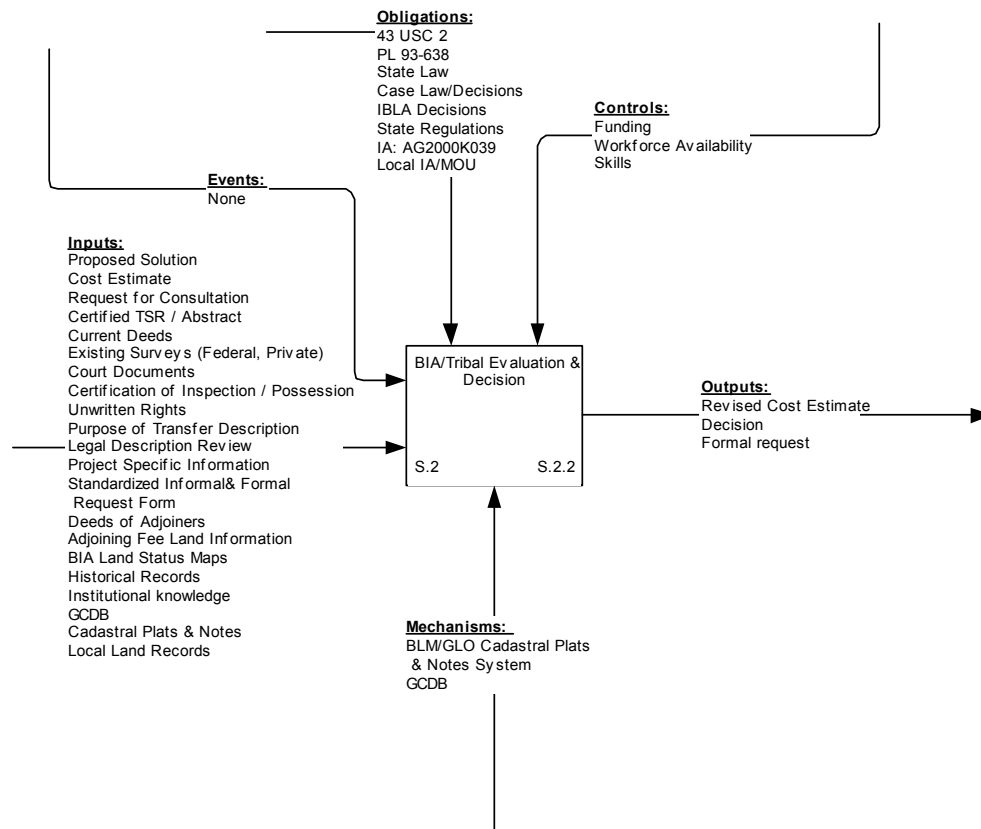


Figure 4.3.8- 10 BIA/Tribal Evaluation & Decision IDEF (0)



4.3.8.4 Prepare Cadastral Survey Service Response (S.3)

Starts with: Receive a prioritized formal request from BIA or a Tribe.

Ends with: Deliver a written report, Cadastral Survey or other service to BIA or a Tribe.

BLM receives the prioritized formal request from BIA or a Tribe and assigns the work internally, frequently entering it in a queue. BLM initially accumulates needed additional data or requirements from the requestor and pursues a research and analysis sequence. If a Cadastral Survey is not required, one or more other BLM survey-related service may be requested. Services other than a Cadastral Survey provided by BLM to BIA and beneficiaries may include:

- a) Geodetic Control
- b) Expert Witness Service
- c) Maps and Diagrams
- d) Geographic Coordinate Data Base (GCDB)
- e) Boundary Investigation Reports
- f) Record Investigation
- g) Review or Writing of Legal Descriptions
- h) River Movement Studies
- i) Response to Request for Technical Advice
- j) Workshops (Training)

If a Cadastral Survey is required, the request is given to BLM for completion.

Events:

- Problem Solvable by Survey or Other Service
- Congressional Inquiry
- FOIA Requests
- Alaskan Allotments (original survey)
- Fee to Trust Applications

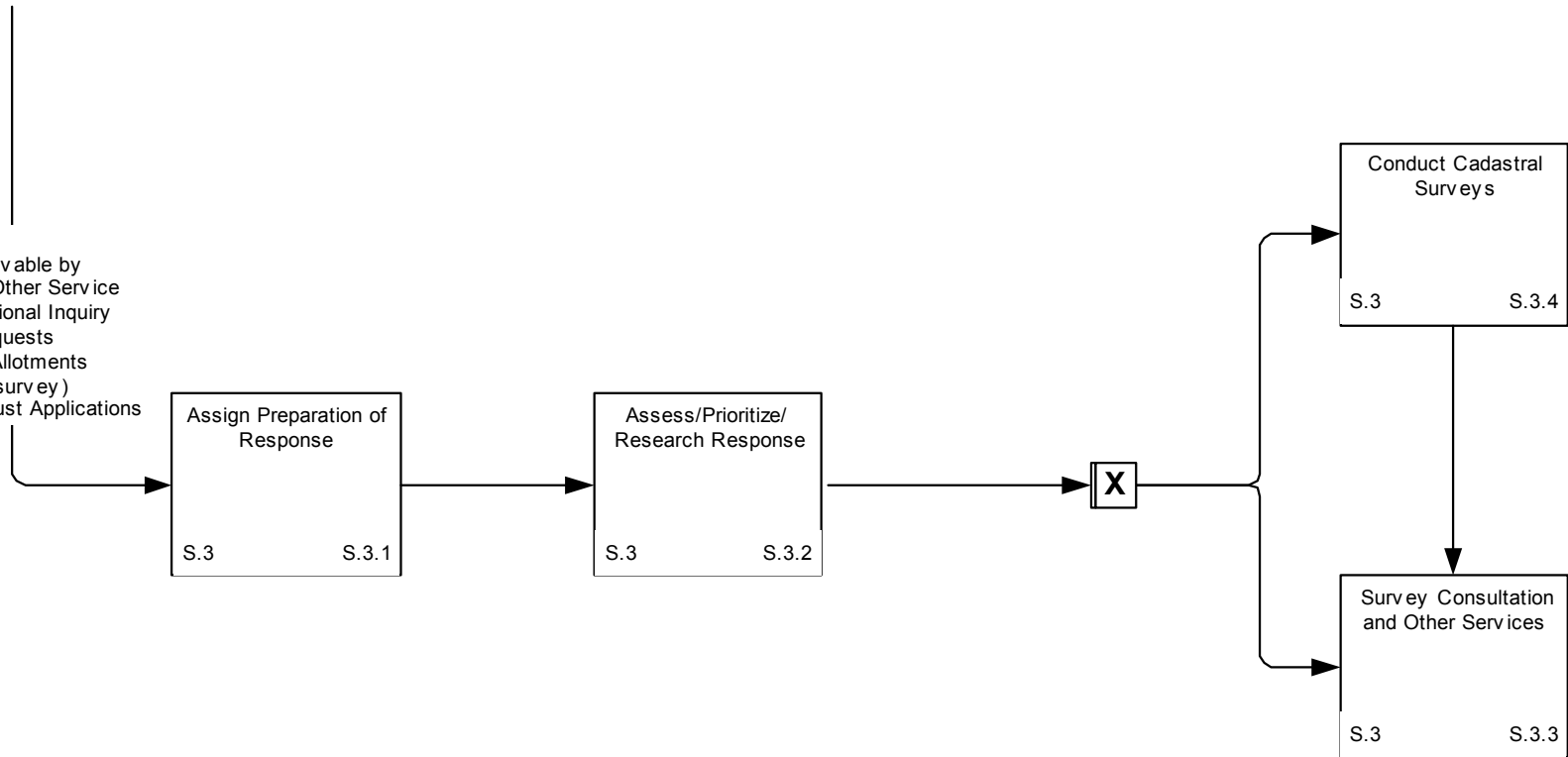


Figure 4.3.8- 11 Prepare Cadastral Survey Service Response IDEF (3)



Beneficiary Involvement for Prepare Cadastral Survey Service Response

Beneficiary involvement in this process step involves giving testimony, acting as witnesses, providing information as needed, and possibly providing funding or other resources.

Prepare Cadastral Survey Service Response Significant Notes

- a) There is a breakdown in the indexing and recordkeeping of Cadastral Surveys. The Cadastral Survey Index (CS) is not being maintained or kept current by BLM.
- b) Scheduling of surveys is constrained by weather, terrain, and logistical planning. Surveys cannot be performed during the winter in the northern states: difficult terrain may cause the length of the survey to be much longer than expected, and in Alaska, equipment and aircraft support have to be scheduled far in advance.
- c) It is important to be sensitive to the cultural importance of the land, sacred sites, and archeological sites while conducting surveys.



Prepare Cadastral Survey Service Response Detail Description

Assign Preparation of Response (S.3.1)

Starts with: Receive a prioritized, formal request from BIA or a Tribe.

Ends with: Assign the request to an individual in BLM to conduct more in-depth research.

The Cadastral Survey staff within a BLM State Office will receive the prioritized formal requests from BIA or a Tribe and will assign an individual to begin the research required to prepare the response.

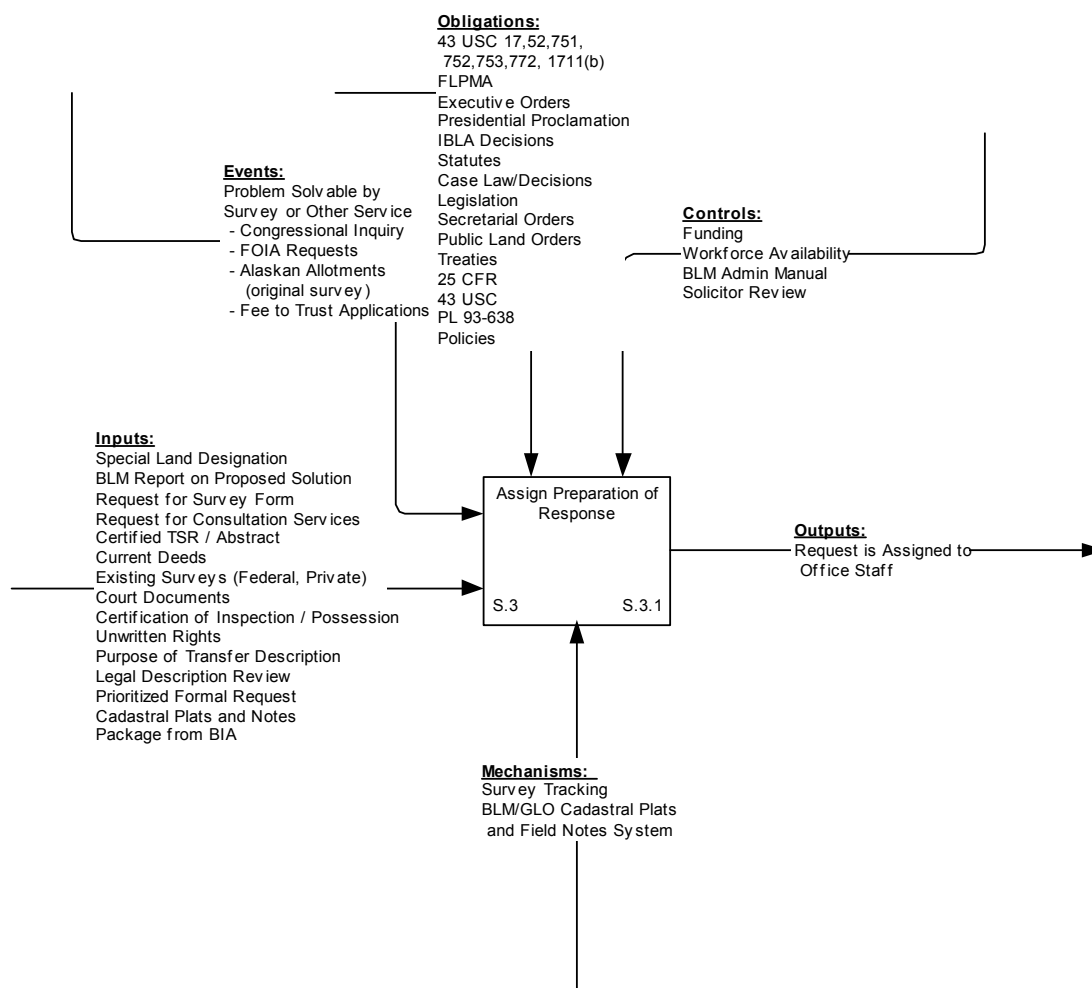


Figure 4.3.8- 12 Assign Preparation of Response IDEF (0)



Assess, Prioritize, and Research Response (S.3.2)

Starts with: Assigned BLM Cadastral Survey staff to research the response to the formal request.

Ends with: Determine the scope of the request and a decision by the requestor to proceed.

The BLM Cadastral Survey staff conducts in-depth research of historical, survey, land and ownership records, federal and state court decisions, OHA/IBLA decisions, statutes, and regulations that are necessary to perform a Cadastral Survey or provide another service. If the findings of the research determine that a significantly different cost estimate or approach is needed from what was initially proposed, then the requestor will be notified for a final decision. As required, fund authorization documents and Interagency Agreements (IA) may be prepared by BLM and BIA for the project or projects.

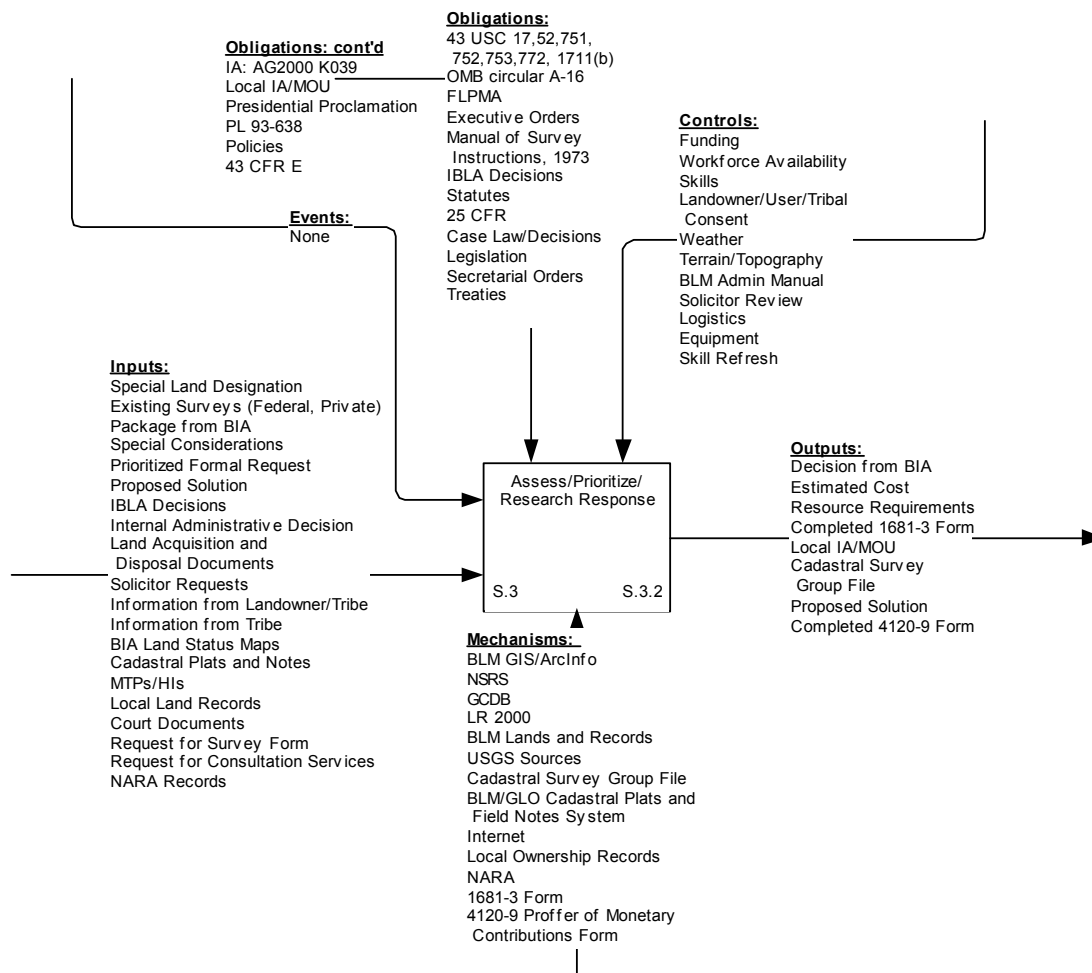


Figure 4.3.8- 13 Assess, Prioritize, and Research Response IDEF (0)



Survey Consultation and Other Services (S.3.3)

Starts with: Identify the service that can be provided by BLM for BIA and beneficiaries.
Ends with: Deliver the service or product to the requestor.

BLM provides consultation and other services to BIA and beneficiaries to resolve specific needs. These products or services may be in addition to a Cadastral Survey but frequently stand alone. The results of one of these services or products could indicate a need for a subsequent Cadastral Survey. The deliverable products or services may include one or more of the following examples:

- a) Geodetic Control
- b) Expert Witness Service
- c) Maps and Diagrams
- d) Geographic Coordinate Data Base (GCDB)
- e) Boundary Investigation Reports
- f) Record Investigation
- g) Review or Writing of Legal Descriptions
- h) River Movement Studies
- i) Response to Request for Technical Advice
- j) Workshops (Training)

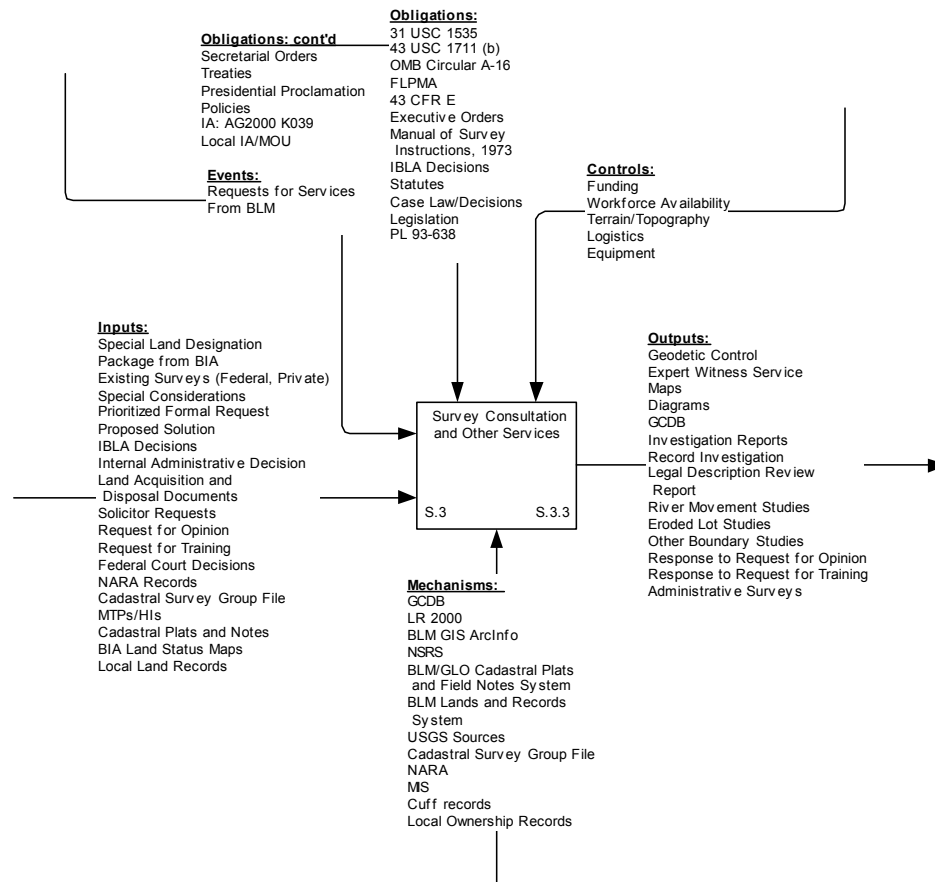


Figure 4.3.8- 14 Survey Consultations and Other Services IDEF (0)



Conduct Cadastral Survey (S.3.4)

Starts with: Confirmed decision that an official Cadastral Survey is needed.

Ends with: Approved and officially filed Cadastral Survey with notice of the filing usually published in the Federal Register.

Note: Because of the complexity of the various types of Cadastral Surveys performed by BLM and recent modeling and reengineering efforts that have been completed, a decision was made at the beginning of the As-Is Model study not to focus on this aspect of the process. Documents already exist that model this activity.

This activity is typically executed by BLM staff operating from BLM State Offices and/or BLM/BIA Project or Field Offices dedicated to performing work on behalf of BIA or a Tribe. The Cadastral Survey process is complex and may generate numerous electronic and paper records and files. Some of the records are legal instruments required by law in order to perform a survey and must be retained as permanent records of the United States. In some instances, during the course of completing the survey, information is created that moves to process step **S.3.3** for completion of other products; e.g. maps, diagrams, GCDB data.

The Cadastral Survey process may be performed in a matter of weeks or it may require years to complete depending upon the magnitude, complexity, legal issues, and availability of funding for the project. BIA, BLM and Tribes have partnered in about 12 locations to establish Cadastral Survey Project or Field Offices dedicated to performing surveys for extended periods for a Tribe or geographic region. In some locations, BIA or the Tribes may contribute facilities, resources and staff for the survey activity as outlined in Interagency Agreements (IAs) or Memorandums of Understanding (MOUs).

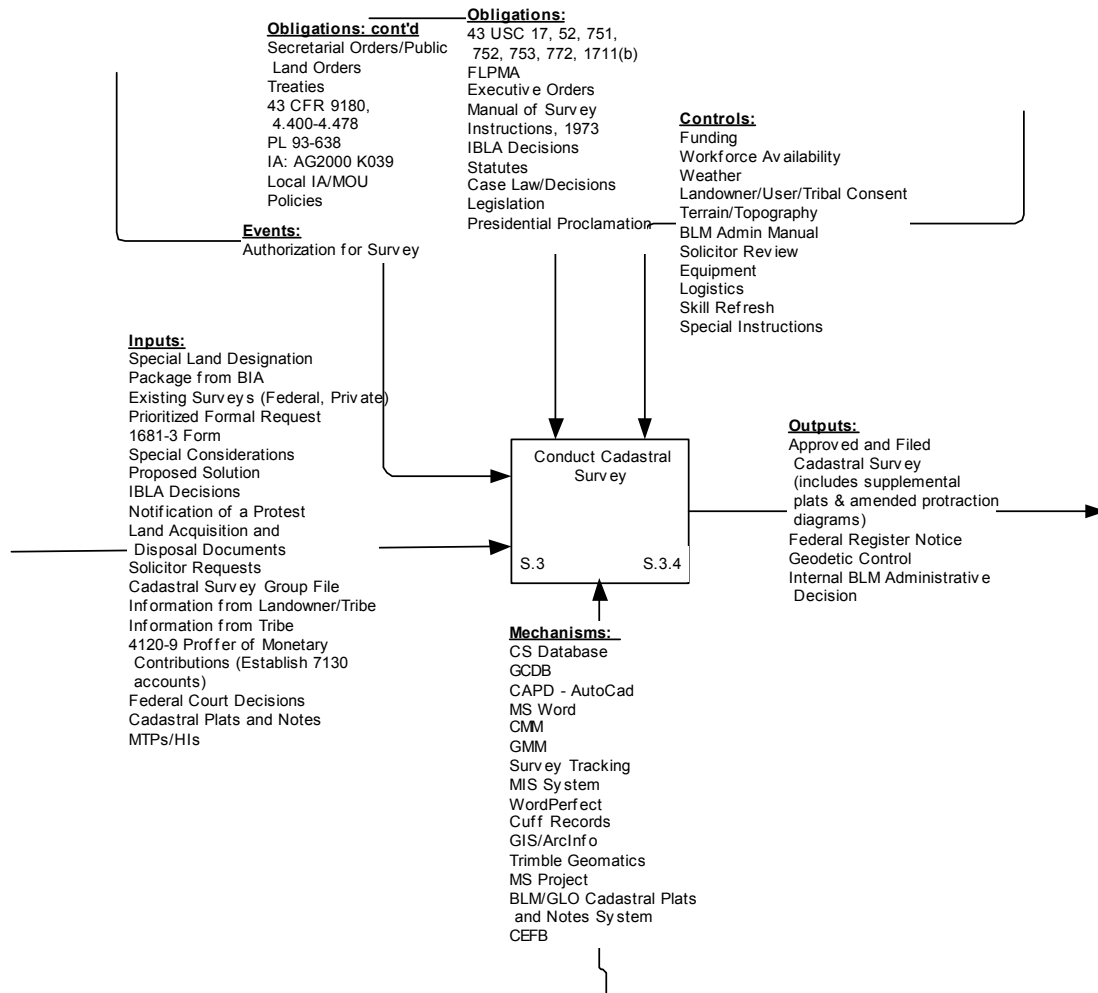


Figure 4.3.8- 15 Conduct Cadastral Survey IDEF (0)



4.3.8.5 Close Out (S.4)

Starts with: Officially filed Cadastral Survey, consultation or other service delivered, or non-BLM survey completed.

Ends with: Updated land title and administrative records and/or take action to resolve the initial need.

BLM interfaces with requestors to discuss the outcomes of information to interested parties and updates records, such as Public Land Statistics and those of the Land Office of the U.S. If a Cadastral Survey has been completed, copies of the final records are typically distributed to the requestor and various BIA and Tribal entities as needed. The original official records of plats and field notes are permanently filed in BLM State Offices. Original duplicate copies are filed with the BLM's Eastern States Office on behalf of the Secretary, DOI. Products of a survey consultation or other service, such as written reports or digital products are distributed to the requestor. BIA and BLM land title record systems are updated and annual reports are developed and distributed.

Tribes and some BIA offices have contracted for surveys from non-BLM sources and the disposition of the results of these surveys varies greatly. In addition, there is no central repository for the records, if they were produced. Some Tribes have acquired surveys or related services from private contractors or their own staff. Tribes often hold that these records are proprietary and may not make them available to BIA or other record keeping entities.

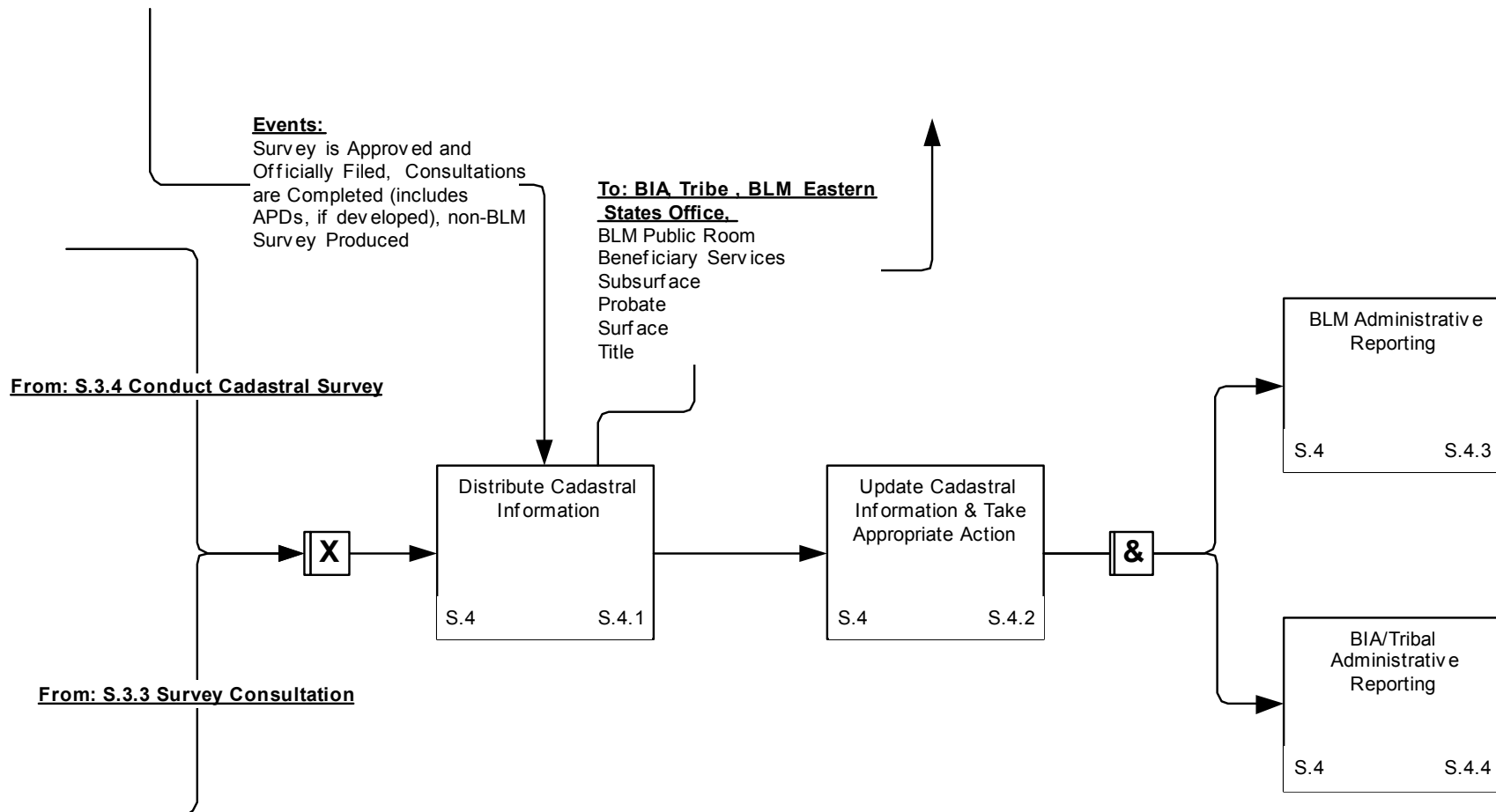


Figure 4.3.8- 16 Close Out IDEF (3)



Beneficiary Involvement for Close Out

Beneficiary involvement in this process step involves Tribal updates of their records. Additionally, beneficiaries may be notified of and involved in the final resolution of the action taken to resolve the original need

Close Out Significant Notes

- a) There is no standardized distribution list or agreement for distributing survey and consultation results. Each BLM State Office determines what is the best method and format, and who receives the results. However, all BLM State Offices are required to send a duplicate original to the BLM Eastern States Office to keep on file as the Secretary's copy.
- b) Automated systems are not being kept current and current survey results (changes in legal descriptions and acreages) may not be recorded on TSRs.



Close Out Detail Description

Distribute Cadastral Information (S.4.1)

Starts with: Officially file Cadastral Survey, complete non-BLM survey or complete survey consultation.

Ends with: Deliver information to identified distribution locations as well as the requestor/beneficiary.

Tribes and some BIA offices have contracted for surveys from non-BLM sources and the disposition of the results of the surveys varies greatly. In addition, there is no central repository for the records, if they were produced. Some Tribes have acquired surveys or related services from private contractors or their own staff. Tribes often hold that these records are proprietary and may not make them available to BIA or other record keeping entities.

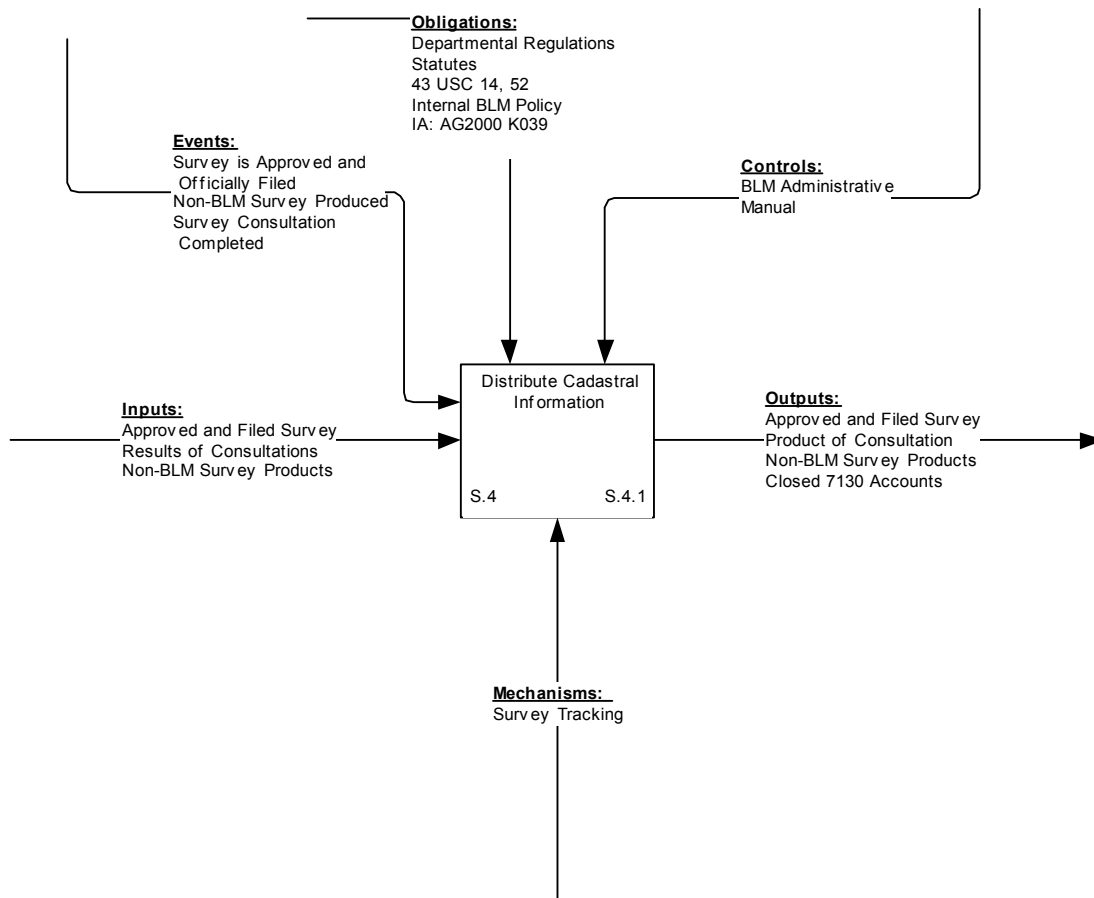


Figure 4.3.8- 17 Distribute Cadastral Information IDEF (0)

Update Cadastral Info and Take Appropriate Action (S.4.2)

Starts with: Receive final records in the BIA Regional Office, LTRO/TSO/TSC, BIA Agency, Tribes and BLM State Offices.

Ends with: Updated records in all offices and action taken as necessary.

Record keeping offices include the BIA Regional and Agency Offices, BIA Land Title and Records Offices, BIA Title Servicing Centers and BLM State Office Public Rooms. These offices will update various manual and automated record systems reflecting changes in legal descriptions and acreages. Timing or content of updates often are not synchronized. BIA and the Tribes usually file survey results with a project file but do not maintain separate survey record files. The process ends when appropriate action has been taken to resolve the need of the requestor. The action may be an administrative remedy or may involve litigation.

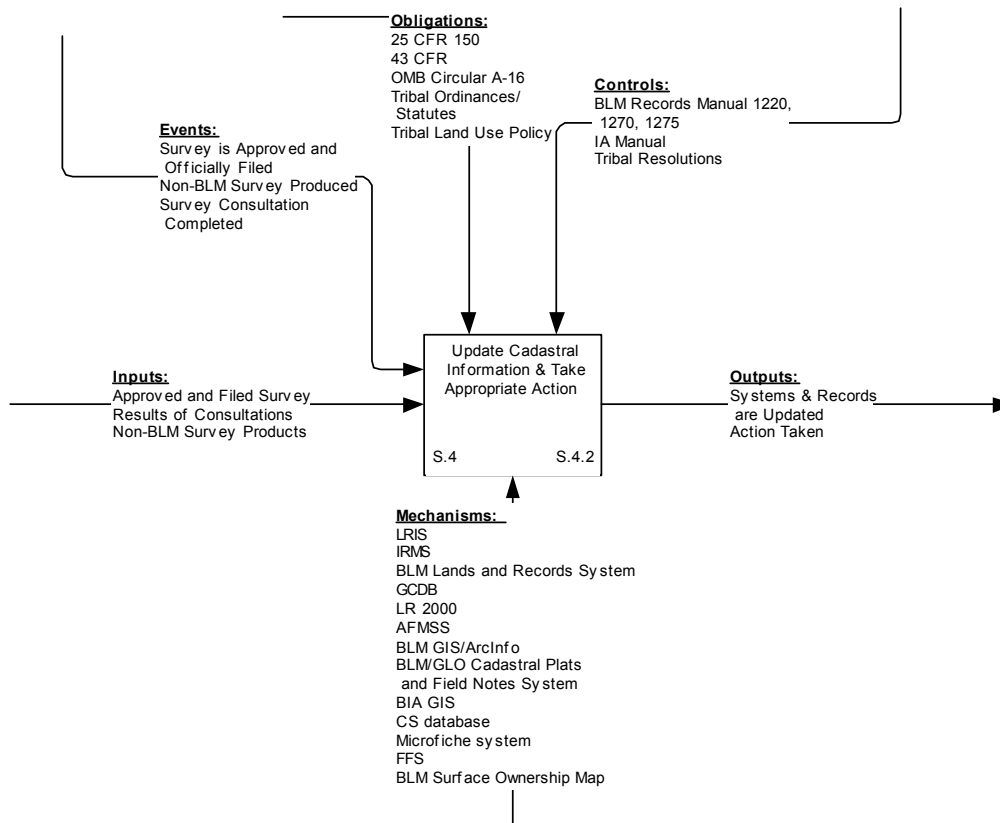


Figure 4.3.8- 18 Update Cadastral Information & Take Appropriate Action IDEF (0)

BLM Administrative Reporting (S.4.3)

Starts with: Identify reporting requirements.
Ends with: Complete reports.

Annual reporting requirements are usually performed at the end of the fiscal year. Reports include an annual report to BIA on accomplishments; final reports of expenditures and accomplishments tracked in BLM's Management Information System (MIS); GPRA reports; and published annual Public Land Statistics.

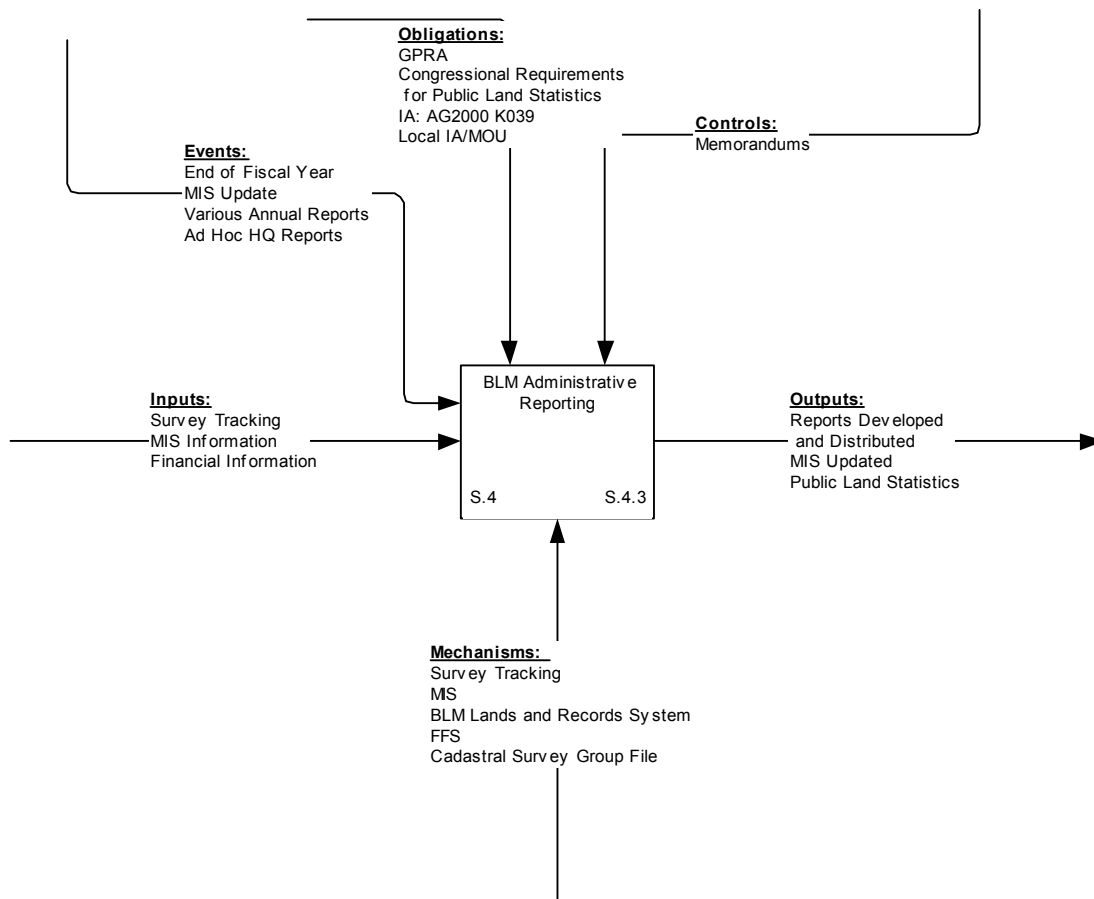


Figure 4.3.8- 19 BLM Administrative Reporting IDEF (0)

BIA or Tribal Administrative Reporting (S.4.4)

Starts with: Identify reporting requirements.

Ends with: Complete reports.

Annual reporting requirements are usually performed at the end of the fiscal year. The BIA Annual Reports of Indian land activity to Tribal Offices and the BIA Central Office are developed and delivered.

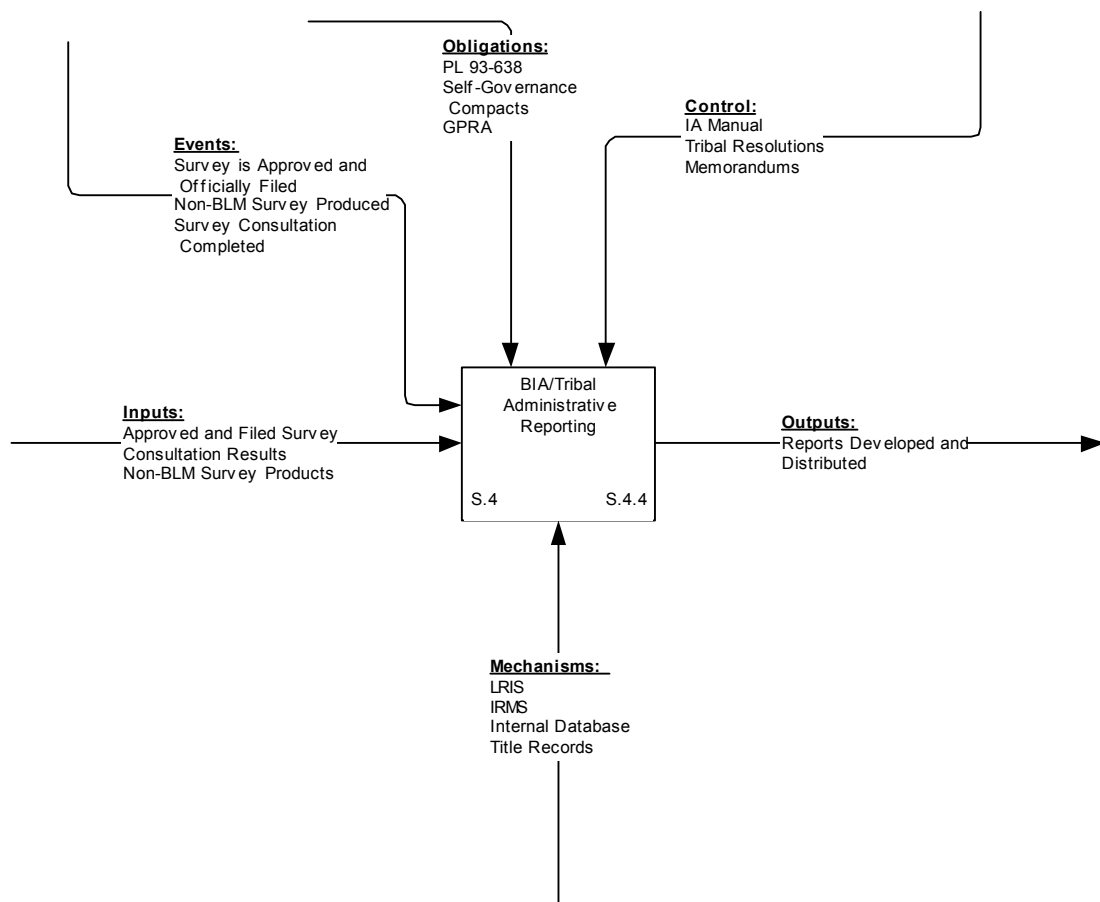


Figure 4.3.8- 20 BIA/Tribal Administrative Reporting IDEF (0)



4.3.8.6 Cadastral Survey Services Variance Tables by Region

The following variances are based upon the information provided by the participants at the work sessions. In many cases, participants did not represent all functional areas of the Indian Trust. Therefore, the variances are not necessarily all-inclusive and may represent the participants' perceptions of the functions being performed.

Table 4.3.8- 1 Great Plains Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Rosebud Agency Office	Role	BIA Agencies have in-house survey staff – Survey Technicians.	Procedural	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	Medium	Medium
BLM Wyoming State Office	Inputs	Nebraska Natural Resource Commission, status maps.	Procedural	Minimal, another source of information and maps.	Low	Minor
BIA Regional Office	Mechanism	MAD – Management Accounting and Distribution database is used.	System	Region- and Agency-specific computer systems may decrease the effort required to complete local Trust activities. These systems, however, may increase the complexity of, and investment in, information support as compared to common mechanisms.	High	Medium
Turtle Mountain Band of Chippewa Indians	Role	Have in-house Tribal survey staff.	Tribal Policy Tribal Land	According to 25 USC 176, surveys on Indian lands will	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
			Code	be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.		

Table 4.3.8- 2 Midwest Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Regional Office	Organization	The USDA provides rural development loans that may require surveys.	Federal Law	Workload issue, may not be enough manpower to complete all the cases.	Low	Medium
BIA Regional Office	Roles	Archeologist identifies survey needs as part of required compliance activities. Antiquities Act	Federal Law	Another method of identifying needs.	Medium	Major
BIA Great Lakes Agency Office	Roles	The Forestry Manager does Field Inspections which may identify the need.	Procedural	Another method of identifying needs.	Medium	Minor
BLM Eastern States Office	Outputs	Notice of pending filing of approved surveys is published.	Procedural	Before filing the survey, it is published in local papers and in the Post Office.	Medium	Minor
BLM Eastern States Office	Mechanism	Private archives of survey records are used.	Procedural	Another source of records research.	Low	Minor
Mille Lacs Band of Chippewa Indian	Role	Director of Real Estate updates GIS and manual files from the private surveyors. Also, have an	Procedural	None.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		automated spreadsheet to track leases.				
BLM Eastern States Office	Mechanism	A unique automated Group Survey Tracking database is used.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BIA Great Lakes Agency Office	Mechanism	Using Great Lakes Agency Database (GLAD), a version of MAD used by this Agency for ownership and tract valuation.	System	Region- and Agency-specific computer systems may decrease the effort required to complete local Trust activities. These systems, however, may increase the complexity of, and investment in, information support as compared to common mechanisms.	High	Medium
BLM Eastern States Office	Mechanism	A unique tracking system for the Secretary's Copy of all survey records produced by BLM is used.	System	In-house system developed and funded within one specific office. This is the only BLM office required to perform this service.	Medium	Minor
BIA Regional Office	Comments	The Regional Office is developing an automated tracking system for land/realty and survey actions.	System	In-house system developed and funded within one specific office, not shared by other BIA offices.	Medium	Minor
BIA Regional Office	Inputs	Housing and land assignments, agreement between the Tribe and an individual, for housing sites.	Tribal Law	These agreements may provide information necessary for the survey.	Low	Medium
Mille Lacs Band of Chippewa Indian	Events	Mille Lacs contracts with private surveyors to provide services at	Tribal Policy	According to 25 USC 176, surveys on Indian lands will	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		the rate of \$90,000 per year as a result of increased activity for housing and casinos.		be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.		
Mille Lacs Band of Chippewa Indian	Roles	Tribal Realty Officer and Land Use Planner work with BLM to answer Tribal members questions. Also involved from the Tribe include: Tribal Chief, Commissioner of Natural Resources, and Tribal Attorneys, who may initiate the need, evaluate the need and provide approval.	Tribal Procedures	BLM is brought into the process earlier and reduces the amount of time needed for the process.	Medium	Medium

Table 4.3.8- 3 Eastern Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Region	Organization	HUD requires surveys for housing sites, leases, and financial aid.	Federal Law	Workload issue, not enough manpower to complete all the cases.	Low	Medium
BIA Regional Office	Obligations	Special Acts of Congress and with states for fee to trust transactions. These are agreements made prior to the formation of the US between	Federal Law	Surveyors must use these as considerations when surveying colonial states.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Tribes and state governments.				
BLM Eastern States Office	Outputs	Notice of pending filing of approved surveys is published.	Procedural	Before filing the survey, it is published in local papers and in the Post Office.	Medium	Minor
BLM Eastern States Office	Mechanism	Private archives of survey records are used in research.	Procedural	Another source of records research.	Low	Minor
BIA Agency Office LTRO	Role	Superintendent must authorize updates before systems are changed. LTRO Manager must approve updates to LRIS.	Procedural	Adds extra time and could delay updates.	Medium	Medium
BLM Eastern States Office	Mechanism	A unique automated Group Survey Tracking database is used.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BLM Eastern States Office	Mechanism	A unique tracking system for the Secretary's Copy of all survey records produced by BLM is used.	System	In-house system developed and funded within one specific office. This is the only BLM office required to perform this service.	Medium	Minor
BIA Regional Office	Comments	The Regional Office is developing an automated tracking system for land/realty and survey actions.	System	In-house system developed and funded within one specific office, not shared by other BIA offices.	Medium	Minor
BIA Regional Office	Inputs	Possessionary Agreements, agreement between the Tribe and an individual, for housing sites.	Tribal Law	These agreements may provide information necessary for the survey.	Low	Medium



Table 4.3.8- 4 Alaska Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region BLM Alaska State Office	Process Description Output	<p>BIA and BLM staff hold regular meetings to develop the Alaska Strategic Management Plan which identifies and prioritizes multi-year survey needs as required by various federal laws pertaining to Alaska. Essentially all surveys are conducted for original conveyance of lands to individual allottees or to native villages or corporations. Funds for these surveys are provided by appropriations to BLM or on a reimbursable basis by BIA. Much of the field work associated with Cadastral Surveys is accomplished under authority of PL 93-638 by native corporations and Tribal consortiums with oversight by BLM.</p> <p>1906 Native Allotment Act Alaskan Native Claims Settlement Act of 1971 Alaska Natural Interest Lands Conservation Act 1926 Alaska Native Townsite Act Point Hope Act 1998 Viet Nam Veterans Allotment Act</p>	Federal Law Procedural	Both BIA and BLM have a Strategic Plan from which to work in order to develop plans on achieving survey needs. BLM issues original conveyance to the allottee and BIA must process and record the Trust transaction.	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Alaska Region	Organization	BIA must request the Veterans Administration verify the status of veterans in order for them to receive a new allotment. 1998 Viet Nam Veterans Allotment Act	Federal Law	Adds complexity to the process as another Federal Agency is involved.	Medium	Major
Realty Service Providers Tribal Realty Offices	Comments	Realty Service Providers is a generic term used in Alaska to indicate realty services provided by the BIA Region, Field Office, single Tribe under PL 93-638, or consortium (i.e. Tanana Chiefs Council). There are 30 Tribal Realty Offices that perform this work. PL 93-638	Federal Law Procedural	Organizations other than BIA are providing realty services resulting in a duplication of realty services.	High	Major
Tribes Realty Service Providers	Organization	Tribes and RSP's are performing field work associated with Cadastral Surveys under contract. Tribes often subcontract to private survey contractors. PL 93-638 Tribal Initiative	Federal Law	The survey may not be completed and may not be performed to the standard. There could be a possible conflict of interest.	High	Major
BLM Cadastral Staff	Role	BLM provides oversight for contracts. This oversight includes contract preparation, negotiation, monitoring and inspection, and product review. BLM must also approve the final product. PL 93-638	Federal Law Procedural	A major workload that impacts BLM's ability to provide other services.	High	Major
BLM Alaska State Office	Inputs	In the case of original Alaskan	Federal Law	The lengthy application	High	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Native allotments, BLM Conveyance staff adjudicates the allotment application, surveys the allotment, and issues the patent conferring ownership. They distribute information to the appropriate offices handling allotment title information. 1906 Native Allotment Act Alaskan Native Claims Settlement Act of 1971 Alaska Natural Interest Lands Conservation Act 1926 Alaska Native Townsite Act Point Hope Act 1998 Viet Nam Veterans Allotment Act		processing time being taken results in situations where some allottees are deceased without receiving their allotments. Constrained by funding, weather, the Alaska Strategic Management Plan priorities, and logistics required to plan for the activities. Information must be distributed in order for title to be placed and recorded into Trust.		
BLM Conveyance Management Staff	Process Description	The request for the survey comes from within BLM through the Conveyance Management organization and those requests becomes input into the Alaska Strategic Management Plan. 1906 Native Allotment Act Alaskan Native Claims Settlement Act of 1971 Alaska Natural Interest Lands Conservation Act 1926 Alaska Native Townsite Act Point Hope Act 1998 Viet Nam Veterans	Federal Law	None.	Low	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Allotment Act				
BIA Agency Office	Organization	The Alaska Title Service Center provides records for research purposes when identifying information associated with an allotment.	Procedural	Duplicate files are used for research instead of the official LTRO records.	Medium	Minor
BIA Agency Office Tribe	Events	The Agency Offices receive requests for surveys to partition allotment via Gift Deed Application, Trust to fee sales, estate splits.	Procedural	Used to prevent fractionation of land. Too many requests coming in than can currently be handled by BIA or BLM due to funding constraints.	High	Minor
BIA Agency Office	Events	There is a backlog of need to survey aliquot part described allotments.	Procedural	Beneficiaries are unable to locate their allotment boundaries due to funding constraints.	Medium	Minor
Private Contractors	Organization	Private contractors provide support such as aircraft services, living quarters, food services, equipment, etc.	Procedural	Some surveys cannot be completed without this support. Aircraft support must be provided by OAS operators, only.	High	Medium
Alaska Region	Control	BIA Alaska has its own unique realty manual – BIA Alaska Realty Manual.	Procedural	Have different procedures than the realty manuals in the lower 48.	Medium	Medium
Other	Role	Applicant allottee has the opportunity to review and approve the location of the survey prior to conveyance.	Procedural	The allottee may not approve the survey and the process has to start over.	High	Major
BLM Alaska State Office	Comment	Alaska BLM has a unique internal policy on distribution on approved but not officially filed	Procedural	A departure from the procedures identifying an “official survey” in the	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		records. The survey is not considered “officially filed” until the Master Title Plat has been updated. Surveys are not posted in the Federal Register and are considered filed when electronic records are updated.		lower 48. The business impact of this is unknown at this time.		
BLM Alaska State Office	Role	BLM has hired a contractor (ex-BLM) to review surveys.	Procedural	Workload issue, BLM staff is unable to complete all the reviews.	Medium	Minor
BLM Alaska State Office	Mechanism	Alaska Land Information System (ALIS) is used for tracking the status of allotments and is used by BLM, BIA, Tribes, and the Title Service Center.	System	Unique system to Alaska tracking conveyance and ownership information, no business impact to the process.	Medium	Minor
BIA Regional Office	Mechanism	The Regional Office has an Access database that describes and tracks allotments conveyed but never monumented.	System	A stand-alone system developed by the region that required money and effort to develop and maintain.	Low	Minor
Nome Agency Office	Mechanism	The Tribe has an Access database that tracks information pertinent to PL 93-638 contracts for surveys.	System	A stand-alone system developed by the Tribe that required money and effort to develop and maintain.	Low	Minor
BLM Alaska State Office	Mechanism	Informix database of Cadastral information is used.	System	Unique system developed by BLM Alaska, in use in this region only.	Low	Minor
BIA Field Office	Mechanism	Unique Allotment Tracking System used by BIA.	System	Stand-alone system developed in-house by BIA.	Low	Minor
Tribal	Mechanism	Unique Allotment Tracking System used by Tribes.	System	Stand-alone systems developed in-house by	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				various Tribes.		
Alaska Title Service Center	Mechanism	Access database used for tracking allotment and related information.	System	Stand-alone system developed in-house by the Alaska Title Service Center.	Low	Minor
BLM Alaska State Office	Mechanism	Scanning system for survey records.	System	Digitized survey records making for faster record retrieval and distribution.	Medium	Minor
Tribes	Input	Tribes authorize survey work under Tribal Resolution and may perform the survey work.	Tribal Law	Permission to proceed with survey is needed before work begins.	Medium	Major

Table 4.3.8- 5 Northwest Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Tribes	Organization	Other federal entities, such as National Parks Service, National Forest Service, US Fish and Wildlife may provide funds and assistance to Tribes for land acquisitions and surveys. Endangered Species Act	Federal Law	Other federal entities are involved in the process to provide for environmental protection.	Medium	Major
BIA Regional Office	Events	There is an existing need to survey pre-1966 Trespass cases, 200 exist but only 1-2 a year can be resolved. 2415 Claims	Federal Law	Workload issue, not enough manpower to complete all the cases.	Low	Medium
BIA Regional Office	Events	There are 200-300 HUD housing	Federal Law	Workload issue, not enough	Low	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		sites needing survey, based on the HUD Residential Plan.		manpower to complete all the cases.		
Yakama Nation	Process Description	The Yakama Model is a GIS system built on Cadastral data which gives the Tribe the ability to integrate existing information for realty, Wapato Irrigation Project (WIP), Indian Health Service, emergency services, transportation data, Rights-of-Way data, leases, farm plans, allotment data, etc. into a single consolidated view of land ownership and use. The Project Office, working with the Tribe, updates digital data for GIS applications. See work session template for more in-depth information.	Procedural	Benefits of the model include improving Tribal sovereignty by giving them control over their assets and resources. It has allowed the Tribe to make pro-active management decisions based on real data not supposition. One of the issues with this model is availability of original landownership and use records. Without these records, this model would be hard to recreate.	High	Major
Tribes BIA Agency Offices BLM Project Offices	Process Description	When BIA is funding a Project Office or funds are contributed by Tribes, the BIA Regional Office is not involved in identifying the needs.	Procedural	Project Offices create a streamlined process that reduces the time to move through the process.	High	Medium
BIA Regional Office	Comment	There is an inconsistency within the region on funding different types of survey needs, i.e. allotments for some Tribes are being funded by BIA and others are required to provide their own	Procedural	Some survey needs are never addressed, as the Tribes cannot afford them.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		funds.				
BIA Agency Office Tribe	Roles	BIA and Tribal GIS staff work together to assess needs and prioritize survey requirements.	Procedural	Streamlines the process by reducing the time necessary to assess and prioritize.	Medium	Medium
BLM Oregon State Office	Events	BLM is receiving requests from non-Indian adjoiners (fee landowners) and Tribes to survey Trust lands.	Procedural	BIA is not involved in the process and funds are contributed to BLM by requestors. BLM does not have the manpower to complete surveys for non-Indian landowners.	Medium	Medium
BLM Oregon State Office	Control	BLM staff is providing contract expertise to Tribes for private surveyors.	Procedural	Workload issue, the more assistance is given, the less time is available for survey work.	Low	Minor
BIA Regional Office	Control	Resource development plans (i.e. timber sales) impact the scheduling of when work can be completed.	Procedural	Allows better planning for resource development.	Low	Minor
BLM Oregon State Office BLM Idaho State Office	Mechanism	Unique automated Survey Tracking databases are used.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BLM Oregon State Office BIA Regional Office	Process Location	90% of the funding for Cadastral Survey in the Northwest Region is earmarked for Project Offices leaving only 10% of funds available for remainder of region.	Procedural	BIA Region is only able to address the highest priorities due to receiving 10% of the funds for survey. Project Offices may be addressing lower priority surveys across the region	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				due to this funding agreement.		
BLM Idaho State Office	Inputs	Records are missing from previous Indian Service surveys.	Procedural	The lack of records is affecting land ownership and Trust assets.	High	Major
BIA Regional Office	Comments	Flathead Reservation has not received survey services since being transferred from Rocky Mountain Region to Northwest Region without budget.	Procedural	The Reservation is in need of survey services but not receiving them until the budget issue is resolved.	High	Medium
BLM Idaho State Office	Role	BLM has hired a contractor (ex-BLM) to review surveys.	Procedural	Workload issue, BLM staff is unable to complete all the reviews.	Medium	Minor
BLM Oregon State Office	Outputs	BLM notifies professional survey organizations of approved surveys through monthly newsletter publications.	Procedural	None.	Low	Minor
BLM Oregon State Office	Comments	Indian lands conveyances are not being noted on the Master Title Plats/Historical Indexes for the state of Washington.	Procedural	Public Land Records are not noting changes in Title on Indian lands.	High	Medium
BLM Idaho State Office BLM Oregon State Office	Comments	Distribution of plats and field notes is inconsistent and there are recording issues in the format of the records in BIA, Tribal, and local record offices.	Procedural State Law	Some offices may not be using complete records and other offices may not accept the records to be filed since they don't fit their format requirements.	High	Major
BLM Yakama Project Office Yakama Nation	Outputs	The Project Office, working with the Tribe, provides digital information to the Tribe to update their own GIS system.	Procedural	Facilitates the updating of electronic records.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Tribe	Mechanism	Various Tribes have independently developed GIS systems for resource management. OMB Circular A-16	System	Developed and funded independently by each Tribe and data is not shared with anyone else.	Medium	Medium
BLM Oregon State Office	Mechanism	Scanning system for survey records is used.	System	Digitized survey records making for faster record retrieval and distribution.	Medium	Minor
BLM Oregon State Office	Mechanism	Official record of the survey is an electronic copy as opposed to the paper copy in the BLM/GLO Cadastral Plats and Notes System.	System	The records are available electronically.	Medium	Medium

Table 4.3.8- 6 Eastern Oklahoma Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BLM New Mexico State Office	Inputs	BLM is using Interior Board of Indian Appeals decisions as a basis for surveys.	Case Law	Historical decisions regarding Indian land that are used in present survey considerations.	High	Major
BLM Muskogee Cadastral Office	Organization	BLM is referring survey needs to the Ok. Society of Land Surveyors when the need can be met by private contractors.	Procedural	A need in Indian country is referred to the most appropriate entity for resolution.	Low	Minor
BIA Regional Office	Roles	Legal Instrument Examiners may initiate a consultation or provide assistance to BLM to resolve inquiries.	Procedural	None, another source to facilitate the consultation.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Eastern Oklahoma Region	Office	Per the Regional Office, Agencies hire licensed surveyors to provide survey services or BIA staff perform surveys.	Procedural	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	High	Medium
BLM New Mexico State Office	Mechanism	A unique manual Survey Tracking database is used. The office is developing an automated Survey Tracking database for the future.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BIA Regional Office	Mechanism	The region keeps a survey file with all BLM surveys, in one place, not scattered among various case files.	Procedural	BLM/GLO survey records can be found in one place in the office.	Medium	Minor
BIA Regional Office	Events	Application for a permit to drill may require a survey.	Regulation	Applicant may hire a private surveyor or request a survey from BIA.	High	Major
BLM New Mexico State Office	Inputs	BLM receives correspondence from an oil company identifying problems with riparian boundary areas on future Indian leases.	Regulation Procedural	The lease cannot be issued until the boundary issues or legal descriptions are resolved.	High	Major
Eastern Oklahoma Region	Mechanism	This region is using TAAMS.	System	Region- and Agency-specific computer systems may decrease the effort required to complete local Trust activities. These systems, however, may increase the complexity of,	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				and investment in, information support as compared to common mechanisms.		
BIA Regional Office	Mechanism	Allotment schedules are used in Eastern Oklahoma Region, which are the base records from the original survey that started the A&E cards.	System	Provides another record system for research purposes.	Low	Minor
BLM New Mexico State Office	Mechanism	Columbus, a geodetic analysis tool is used by BLM.	System	Off-the-shelf software used to do geodetic survey analysis.	Low	Minor
BLM New Mexico State Office Tribes	Roles	Tribal attorneys are involved in consultation and lawsuits filed on behalf of the Tribe and request input from BLM.	Tribal Law	Workload issue, participating in these requests takes time away from other duties.	High	Major

Table 4.3.8- 7 Southern Plains Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BLM New Mexico State Office	Inputs	BLM is using Interior Board of Indian Appeals decisions as a basis for surveys.	Case Law	Historical decisions regarding Indian land that are used in present survey considerations.	High	Major
BLM Moore Field Office	Organization	BLM is referring survey needs to the Ok. Society of Land Surveyors when the need can be met by private contractors.	Procedural	A need in Indian country is referred to the most appropriate entity for resolution.	Low	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Horton Field Office	Organization	The Farm Service Administration is providing historical information on land use for the Horton Field Office.	Procedural	Minimal, another source of information and maps.	Low	Minor
BIA Regional Office	Role	Legal Instrument Examiners may initiate a consultation or provide assistance to BLM to resolve inquiries.	Procedural	Minimal, another source to facilitate the consultation.	Low	Minor
Southern Plains Region	Office	Per the Regional Office, Agencies hire licensed surveyors to provide survey services or BIA staff perform surveys.	Procedural	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	High	Medium
BIA Regional Office	Inputs	LRIS and TAAMS databases are used together as an automated land records system.	Procedural	Using these two systems together provides a more complete picture of land use and status information than as stand-alone systems. TSR's, which are often inaccurate, do not provide enough information.	High	Medium
BLM New Mexico State Office	Mechanism	A unique manual Survey Tracking database is used. The office is developing an automated Survey Tracking database for the future.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BIA Regional Office	Mechanism	The region keeps a survey file	Procedural	BLM/GLO survey records	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		with all BLM surveys, in one place, not scattered among various case files.		can be found in one place in the office.		
BIA Regional Office	Comments	Potential review of legal descriptions on fee-to-trust could be about 100/year.	Procedural	Workload issue, not enough manpower to complete all the cases.	High	Medium
Southern Plains Region	Comments	LTRO's are two-four years behind in updating automated systems with information, due to lack of staff.	Procedural	Causing problems and delays in Agencies regarding Estate Planning.	High	Medium
BIA Regional Office	Events	Application for a permit to drill may require a survey.	Regulation	Applicant may hire a private surveyor or request a survey from BIA.	High	Major
BLM New Mexico State Office	Inputs	BLM receives correspondence from an oil company identifying problems with riparian boundary areas on future Indian leases.	Regulation Procedural	The lease cannot be issued until the boundary issues or legal descriptions are resolved.	High	Major
BIA Regional Office	Mechanism	Allotment schedules are used in Southern Plains Region, which are the base record from the original survey that started the A&E cards.	System	Provides another record system for research purposes.	Low	Minor
BIA Regional Office	Mechanism	Using the Real Estate Module (REM) as a replacement for IRMS.	System	Region- and Agency-specific computer systems may decrease the effort required to complete local Trust activities. These systems, however, may increase the complexity of, and investment in, information support as	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				compared to common mechanisms.		
BIA Regional Office	Mechanism	Land Title Mapping System (LTMS) is used for generating land status maps.	System	In-house system developed and funded within one specific office, not shared by other BIA offices.	Medium	Medium
BLM New Mexico State Office	Mechanism	Columbus, a geodetic analysis tool is used by BLM.	System	Off-the-shelf software used to do geodetic survey analysis.	Low	Minor

Table 4.3.8- 8 Rocky Mountain Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Rocky Boy's Agency Office	Events	ILCA is causing Trust to fee patents to be issued. ILCA	Federal Law	Will cause large increase in need for Cadastral Surveys.	High	Major
BLM Montana State Office Fort Peck Tribes	Process Description	BLM is negotiating PL 93-638 contract with Fort Peck Tribes to perform Cadastral Surveys. PL 93-638	Federal Law	The Tribes will be performing their own Cadastral Surveys by a BLM employee assigned to the Tribe, with BLM oversight.	Medium	Major
BIA Wind River Agency Office	Role	The Agency has a Soil Conservation Specialist to develop farm plans and in so doing, identifies needs.	Procedural	Another source for identifying needs.	Low	Minor
BLM Montana State Office	Outputs	BLM provides posting and marking of reservation	Procedural	Workload issue, but also provides visible boundaries	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		boundaries.		for Indian and non-Indian use.		
BIA Regional Office	Mechanism	National Resource Information System (NRIS) is a report of various natural resource related leases and is used in this region.	System	Minimal, automated reporting system.	Low	Minor
BIA Rocky Boy's Agency Office	Mechanism	Using NIOGEMS – an oil and gas computer mapping system that also contains lease information.	System	In-house system developed and funded within one specific office, not shared by other BIA offices.	Low	Minor
Rocky Mountain Region	Mechanism	This region is using TAAMS.	System	Region- and Agency-specific computer systems may decrease the effort required to complete local Trust activities. These systems, however, may increase the complexity of, and investment in, information support as compared to common mechanisms.	High	Medium
BLM Montana State Office	Mechanism	Using SURVSTAT – a survey tracking system.	System	In-house system developed and funded within one specific office, not shared by other BLM offices.	Low	Minor
Tribes	Organization	The Tribes hire private contract surveyors and in some instances, have in-house Tribal survey staff.	Tribal Policy Tribal Land Code	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				land record system as official acts of the U.S.		

Table 4.3.8- 9 Navajo Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Region Navajo Nation BLM Arizona State Office	Organization	Navajo/Hopi Relocation Commission is acquiring lands for resettlement. BLM must survey the land. Navajo/Hopi Relocation Act	Federal Law	Workload issue, BLM staff is unable to complete all the surveys.	High	Major
Navajo Nation	Events	Unique events start the survey process in Navajo. These include: residential leases on allotted lands, homesite leases on Tribal lands, Base Realignment and Closing Commission, business development plans, and relinquishment of BIA administrative areas.	Federal Law Tribal Law Procedural	Workload issue, BLM staff is unable to complete all the surveys.	High	Major
Navajo Region	Process Description	BIA, BLM and the Tribe meet to identify priorities and develop a Five Year Plan for surveys. The majority of surveys for the Navajo Reservation are original surveys.	Procedural Tribal Policy	The meeting results in a streamlined priority setting process.	Medium	Minor
Navajo Nation BLM Navajo Project Office	Process Description	A BLM Project Office exists that works closely with the Navajo	Procedural Tribal	The Cadastral Survey Services process is	High	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		Tribe Lands Department to assess and prioritize survey needs. The Tribe provides resources (employees, housing) to assist in the Cadastral Surveys.	Resolutions	compressed into fewer activities resulting in shorter timeframe for evaluation and analysis. The availability of Tribal staff and their availability for travel are constraints to completing surveys.		
BLM Navajo Project Office Navajo Nation	Inputs	Tract Books maintained by BIA representing ownership status and allotment information are used. The Tribe maintains a separate copy.	Procedural	Provides another reference source. The two sets of books may not be kept in sync.	Low	Minor
Navajo Region	Comments	The Navajo Nation perceives that the majority of the BIA's focus is on allotted lands instead of Tribal Trust lands.	Procedural	Minimal.	Low	Medium
BLM Navajo Project Office Navajo Nation	Outputs	The Project Office, working with the Tribe, provides digital information to the Tribe to update their own GIS system.	Procedural	Facilitates the updating of electronic records.	Medium	Minor
Navajo Nation Navajo Region Southwest Region	Comment	There is a coordination issue between "Big Navajo" and the "Bands". Big Navajo activities are handled by the Navajo BIA Region and activities for the Bands are coordinated by the Southwest BIA Region.	Procedural	Commercial leasing activities may be hindered by the lack of coordination and communication.	Medium	Medium
BLM Arizona State Office	Mechanism	Scanning system for survey records is used.	System	Digitized survey records making for faster record retrieval and distribution.	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Navajo Nation	Process Description	Surveys for homesites may be provided by Navajo Tribal Lands Department or by private surveyors hired by the applicant. These surveys are submitted to BIA for approval of the homesite. The Navajo Housing Authority provides funding for home purchase. Navajo Nation Homesite Lease Policy and Procedures	Tribal Policy	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	Medium	Medium
Navajo Nation	Organization	Various Tribal entities such as Navajo Housing Authority, Navajo Energy Construction Authority Commission, and Navajo Tribal Utilities Authority are identifying needs to the BLM Project Office.	Tribal Policy	BIA is not always involved in identifying survey needs.	High	Major
Navajo Nation	Role	Various Tribal staff including Director of Navajo Lands Department, Navajo Lands Survey Supervisor, Tribal Natural Resource Officer, contribute to the decision making process regarding survey needs.	Tribal Policy	May impact the length of time needed to receive approval.	High	Major



Table 4.3.8- 10 Southwest Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BLM New Mexico State Office	Inputs	BLM is using Interior Board of Indian Appeals decisions as a basis for surveys.	Case Law	Historical decisions regarding Indian land that are used in present survey considerations.	High	Major
BIA Regional Office BLM New Mexico State Office BLM Colorado State Office	Organization	Various external organizations (Bureau of Reclamation, Colorado Dept. of Transportation, U.S. Forest Service, military) identify survey needs to BIA or BLM. These organizations may contribute funding and records.	Federal Law Procedural	Workload issue, not enough manpower to complete all the cases.	Low	Medium
BIA Regional Office	Role	Archeologists are involved in the process.	Federal Law Procedural	Make inquiries regarding archeological sites.	Low	Minor
BIA Regional Office	Obligations	Tribes are using private surveyors to survey. The Tribe then sells or exchanges restricted fee Trust lands to consolidate land holdings and to resolve trespass cases. ILCA U.S. v. Joseph, NM 1877, 94 U.S. 614	Federal Law	Because of the land grant status of certain Pueblo's, the authority to survey and sell lands by Pueblos may be unique in New Mexico.	High	Major
BIA Regional Office	Role	The region has its own Land Surveyor on staff.	Procedural	Provides technical expertise and consultation and executes surveys. According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				recorded into the federal land record system as official acts of the U.S.		
BLM New Mexico State Office BLM Colorado State Office	Mechanism	A unique manual Survey Tracking database is used. The office is developing an automated Survey Tracking database for the future.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BIA Regional Office	Mechanism	A unique manual Survey Request Tracking database is used.	Procedural	In-house system developed within one specific office, not shared by other BIA offices.	Medium	Minor
Southern Ute Tribe	Mechanism	A unique manual Survey Request Tracking database is used.	Procedural	In-house system developed within one specific office, not shared by other Tribal offices.	Medium	Minor
BIA Regional Office	Comments	BIA and/or private surveys are being used for land assignments.	Procedural	BIA does not feel that official surveys are needed since no title is transferred.	High	Medium
BLM New Mexico State Office	Role	GIS staff helps evaluate the informal request and produces GIS products.	Procedural	BLM surveyors have a more robust method of evaluating survey needs than is found elsewhere since GIS is combined with Cadastral staff.	Medium	Minor
BLM New Mexico State Office BLM Colorado State Office	Organization	BLM is using private contractors for initial GCDB data collection.	Procedural	Work is outsourced to private contractors to alleviate BLM workload.	Medium	Minor
BLM New Mexico State Office BLM Colorado State Office	Organization	DOI and OHTA is providing and requesting information regarding Cobell litigation.	Procedural	Workload issue, answering these requests takes time away from survey duties.	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BLM Colorado State Office	Mechanism	BLM is using Leica SkiPro, a GPS computational and adjustment software.	Procedural	Off-the-shelf software for GPS collection and computations.	Low	Minor
BLM New Mexico State Office	Mechanism	Columbus, a geodetic analysis tool is used by BLM.	System	Off-the-shelf software used to do geodetic survey analysis.	Low	Minor
BLM Colorado State Office	Mechanism	Scanning system for survey records and posting non-Trust surveys on the Internet.	System	Digitized survey records making for faster record retrieval and distribution.	Medium	Minor
Tribes BLM New Mexico State Office BLM Colorado State Office	Role	Tribal attorneys are involved in consultation and lawsuits filed on behalf of the Tribe.	Tribal Law	Workload issue for BLM, participating in these requests takes time away from other duties.	High	Major
Southern Ute Tribe	Organization	The Tribe hires private contract surveyors and have in-house Tribal survey staff.	Tribal Policy Tribal Land Code	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	Medium	Medium
Southern Ute Tribe	Process Description	The Tribal Lands and Resource Dept. is developing reports to the Tribe on accomplishments and financial information.	Tribal Policy	None.	Low	Minor
Southern Ute Tribe	Role	The Tribal Lands Coordinator files the survey and develops reports.	Tribal Policy	None.	Low	Minor



Table 4.3.8- 11 Western Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
Tribe BIA Regional Office BLM Arizona State Office	Inputs	Findings of a Court appointed Special Master dealing with matters along the Colorado River are used.	Court Decisions	Could affect Indian or Trust ownership.	High	Major
BIA Regional Office BLM Arizona State Office	Organization	Various external organizations (Indian Health Service, CalTrans, Bureau of Reclamation, Corps of Engineers, EPA, local government, FAA, military) identify survey needs to BIA or BLM. These organizations may contribute funding and records. Clean Water Act, Sections 401 and 404	Federal Law Procedural	Workload issue, not enough manpower to complete all the cases.	Low	Medium
BLM Nevada State Office	Organization	BLM sends an annual letter to Tribes requesting their survey needs. See work session template for additional information.	Procedural	Tribes are identifying their needs without the BIA being involved. Priorities are not being established at the regional level, only on a Tribe by Tribe basis by the BLM. This affects how funding is applied.	High	Minor
BIA Regional Office	Comments	Certified TSR's are nearly impossible to get and often inaccurate.	Procedural	TSR's have not been updated in a timely manner. The system (LRIS) may not be accurate and the source data that updates LRIS has been inaccurate.	High	Medium
BLM Arizona State Office	Mechanism	A unique automated Survey	Procedural	In-house system developed	Medium	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BLM Nevada State Office BLM Utah State Office		Tracking database is used.		and funded within one specific office, not shared by other BLM offices.		
BLM Nevada State Office	Comments	The BLM State Office is providing preliminary survey data before the survey is official.	Procedural	Workload issue, not enough manpower to complete all the cases.	Medium	Medium
BLM Arizona State Office BLM Nevada State Office BLM Utah State Office	Mechanism	Scanned Master Title Plats and Historical Indexes are used in these offices.	Procedural	Facilitates records distribution.	Low	Minor
BLM Nevada State Office	Mechanism	A unique automated Title Tracking database is used.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
Tribes	Organization	Tribes may contribute funds, tools, services, and other resources and make final decision to proceed.	Tribal Policy	Tribal staff may assist BLM during surveys.	High	Minor

Table 4.3.8- 12 Pacific Region Cadastral Survey Variances

Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
BIA Regional Office	Process Description	Pacific Region does not utilize non-BLM sources for surveys due to past legal problems. IBLA 83-370	IBLA Decision	BIA will not provide funds for non-BLM surveys. If Tribes want private surveyors, they must fund themselves or hire their own survey staff.	High	Major
Other	Organization	California Indian Legal Services	Procedural	Workload issue, not enough	Medium	Major



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		identify the need and may be involved in litigation on behalf of Tribes.		manpower to complete all the cases.		
Agua Caliente Band of Cahuilla Indians	Role	Tribal Planners and GIS Specialists identify the need, provide consultation and determine action. Tribe is using GIS capabilities to identify survey needs and problems with boundaries and acreage.	Procedural	Streamlines the process of identifying and assessing survey needs.	Low	Minor
BIA Regional Office	Comments	Certified TSR's are nearly impossible to get and often inaccurate.	Procedural	TSR's have not been updated in a timely manner. The system (LRIS) may not be accurate and the source data that updates LRIS has been inaccurate.	High	Medium
BLM California State Office	Comments	BLM has sent out an information pamphlet to Tribes and Agencies on how to request Cadastral Surveys and a notice of availability of new funds.	Procedural	Workload issue, may not have enough manpower or money to respond to all requests.	Medium	Medium
BLM California State Office	Inputs	BLM uses the Contract Survey Examination Log to detect if early surveys are fraudulent.	Procedural	Another source of historical information for research purposes.	Low	Minor
BLM California State Office	Outputs	BLM provides posting and marking of reservation boundaries.	Procedural	Workload issue, but also provides visible boundaries for Indian and non-Indian use.	Medium	Minor
BLM California State Office	Beneficiary Involvement	Tribes may be consulted on surveyors BLM wishes to assign to major projects.	Procedural	Facilitates the communication and working relationship	High	Minor



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
				between BLM and the Tribes. Also, the Tribe may not approve the surveyor assigned which could delay the project.		
BLM California State Office	Mechanism	A unique automated Survey Tracking database is used.	Procedural	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BLM California State Office	Outputs	BLM distributes a copy of the survey record to BIA in the form of a 35mm Microfiche Aperture Card.	Procedural	BLM and BIA must maintain 35mm filming and reading capabilities.	Low	Minor
Pacific Region	Mechanism	Allotment schedules are used in Pacific Region, which are the base record from the original survey that started the A&E cards.	System	Provides another record system for research purposes.	Low	Minor
BLM California State Office	Mechanism	Cost estimator spreadsheet is used to provide project cost estimates.	System	In-house system developed and funded within one specific office, not shared by other BLM offices.	Medium	Minor
BLM California State Office	Mechanism	A unique manual, Workflow Process Planning tool is used.	System	In-house system developed within one specific office, not shared by other BLM offices.	Medium	Minor
BIA Regional Office	Mechanism	Pacific Region is only using the Income Distribution module of IRMS.	System	Only one area of IRMS is being updated, the status of the rest of IRMS is unknown.	Medium	Medium
BLM California State Office	Mechanism	Pacific Region has their own	System	Maintaining an independent	Medium	Medium



Areas Affected by the Variance	Category	Variance Description	Reason for Variance	Business Impact	Degree of Business Impact	Difficulty of Change
		version of the Cadastral Survey Index.		duplicate system. The CS Index being used by the rest of BLM is not being maintained or kept current.		
BLM California State Office	Mechanism	Scanning system for survey records is used.	System	Digitized survey records making for faster record retrieval and distribution.	Medium	Minor
Tribes	Process Description	Tribes have hired their own survey staff.	Tribal Initiative	According to 25 USC 176, surveys on Indian lands will be under the direction and control of BLM. These surveys are not being recorded into the federal land record system as official acts of the U.S.	High	Major



5 Findings and Recommendations

5.1 Introduction

The processes documented and conclusions reached by the As-Is Team were based on analysis of the information provided by the participants who attended the work sessions. At the completion of each session, updates to baseline process descriptions were developed, including baseline enhancements and variations. The results of the sessions were made available to process sponsors, Tribal experts and work session participants for review, validation and comment.

The team did not attempt to separately conduct extensive research regarding the processes or their regulatory/legal requirements. Additionally, the scope of the As-Is Business Model work did not include development of detailed alternative solutions. As a result, further analysis and consideration must be given to a number of the recommendations included in this report before decisions involving future direction can be finalized. Given the overall scale of the proposed changes and the interrelationships among the recommendations, prioritization and timing of implementation will also be required.

The templates from the work sessions contain detailed comments and suggestions from the participants at the sessions and can be found on the enclosed compact disc that contains this report. Some have become part of the findings and recommendations presented in this chapter. The remainder of the suggestions and comments should be reviewed as part of the To-Be process design.

5.1.1 Purpose

This chapter provides findings and recommendations for reengineering the Indian Trust business processes and for implementing improvements in related areas. As further discussed in Chapter 6, these findings and recommendations are primarily starting points for DOI's reengineering efforts. The To-Be effort will be a DOI-wide transformation that encompasses much more than changes to individual processes. The purpose of the To-Be transformation is to look for breakthrough change – change of such magnitude that previous standards for process time, efficiency, effectiveness, customer service, etc. are surpassed and new strategic goals and objectives are made possible. During the remodeling, organization-level, cross-process change as well as detailed, process-specific change will be required.

5.1.2 Approach

As a basis for developing the findings, the criteria used were those established by the Department of the Interior in its statements of Trust mission, principles, strategic goals and objectives, and its business plan. The *Comprehensive Trust Management Plan*, in particular, identifies a number of specific outcomes that DOI aims to achieve for the Indian Trust (itemized earlier in Chapter 1) and the extent to which current efforts meet these objectives. In addition, relevant aspects of OMB Circular A-130 (also described in Chapter 1), and the industry standards and performance measures collected, as detailed in Chapter 3, were considered.

The **findings** are focused on important aspects of the Trust that the Department can change, and which are present in multiple regions and BIA agencies. Chapter 4 identified some significant



issues that are present at individual locations, and those issues are included in this report as variances. These variances are not revisited in this chapter. In general, a “finding” is considered an aspect of current operations which is of high importance, is substantially within DOI’s ability to control or influence, and for which there were multiple confirmations during the work sessions.

The **recommendations** address findings and issues that were identified primarily during the work sessions and are divided into two categories: **quick hit recommendations** that could be put in place within six months and **longer term recommendations** that could (1) require more analysis, research and definition before they are implemented or (2) be starting points for the To-Be process work.

The findings and recommendations are divided into a Cross-Process section, those which affect two or more of the eight processes, and a Process-Specific section, one section for each of the eight core Trust processes.

In addition to the findings and recommendations contained in this chapter, a summary of the **observations** that were made while conducting the work sessions is included. These observations are not accompanied by associated detail and recommendations; however, they should be taken into consideration when formulating and implementing the To-Be processes.

5.2 Cross-Process Findings and Recommendations

5.2.1 Enterprise-wide Management

In the report entitled *DOI Trust Reform, Final Report and Roadmap*, a model was presented that identifies the major elements that a large-scale organization must successfully address to transform itself into an effective, modern enterprise. As illustrated in **Figure 5.2-1**, a combination of strategy, process, technology and organizational factors must be considered and integrated.

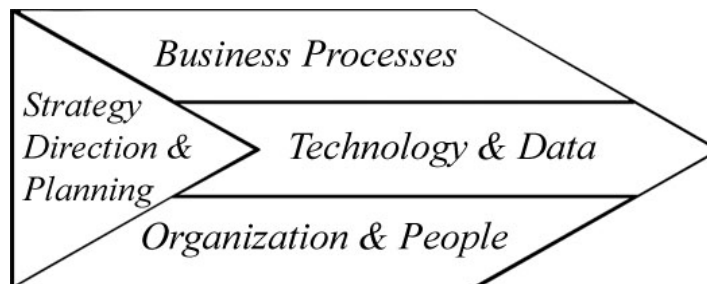


Figure 5.2- 1 Model for Successful Transformation

The scope of the As-Is Model is heavily focused on the business process dimension. However, business processes are related to the other elements, which all bear on the effectiveness of the Indian Trust. Because of this, highlights of the issues encountered in these and other critical areas are provided for consideration below, but are not accompanied by detailed findings and recommendations.

5.2.1.1 Strategy, Direction & Planning

As illustrated in **Figure 5.2-1**, strategy and planning should drive the other key areas of organizational action. Issues that were identified related to the strategy, direction and planning of the Indian Trust are:

- a) Need for the implementation of a strategy for Trust Reform: The need for a Trust Reform strategy was noted in the “Roadmap” section of the *DOI Trust Reform, Final Report and Roadmap*. DOI has now developed a strategy, and should proceed with implementation. The As-Is Team confirmed that this strategic direction is needed to facilitate planning, set priorities and communicate goals and objectives to both DOI service delivery people and beneficiaries.
- b) Need for planning that supports integrated service delivery and fosters proactive, rather than reactive, services.

A combination of factors has limited DOI’s ability to effectively plan for coordinated efforts to improve services. These have included the lack of an overall strategy, organizational overlaps (mentioned further below), a decentralized operating approach, workloads that exceed the ability of current operations to meet, and a series of demands on senior Indian Trust leaders related to litigation



and data system security problems. In addition, prior to development of the As-Is model, Trust work flows and processes had not been clearly charted nor their associated organizational roles documented. This made inter-process and inter-organizational planning difficult.

The Department has taken several steps to address some of these strategic planning and direction deficiencies. DOI has issued the final draft of the *Comprehensive Trust Management Plan*, which provides specific goals and objectives in six key areas and ties higher-level strategic aims to more tactical objectives. The Plan also lays out steps and requirements for implementing widespread change and improvement to Trust activities. These represent important first steps in establishing improved direction and planning for the Trust.

5.2.1.2 Organization

In the *DOI Trust Reform, Final Report and Roadmap*, a number of organizational problems were noted. These included the absence of a single executive sponsor or overall “owner” who is accountable for the Trust, conflict among bureaus and units within DOI, and at times, overlapping and inconsistent responsibilities. These problems again surfaced during the As-Is Team’s work sessions. In addition to those mentioned above, the following organizational issues were noted:

- a) Lack of end-to-end accountability and responsibility for individual Trust processes
- b) Absence of clear authority to make changes to address process problems
- c) Inconsistent delegation of authority to field units
- d) Where organizational overlaps exist, differences in organizational regulations and policies governing the execution of processes, resulting in inconsistent service characteristics (objectives, time lines, information requirements, etc.)

Early in 2002, DOI announced an organizational realignment for Trust responsibilities that was aimed at addressing several of these problems. It subsequently held a series of joint DOI-Tribal Task Force meetings to discuss organizational options and Tribal concerns. Mutual agreement on a new structure was not reached, but common ground was found on a number of issues. In early December 2002, the Department announced a revised organizational approach. Among the changes were steps intended to:

- a) Establish clear accountability for Trust fiduciary responsibilities
- b) Clarify and streamline individual organizational roles and duties, phasing out some units and combining others
- c) Provide beneficiaries with improved service; e.g., through creation of a dedicated call center capability
- d) Strengthen project management and integration

5.2.1.3 Training and Resource Management

Human resource issues, such as personnel training and other “universal support” functions, were considered outside the scope of the As-Is Team’s work. Additionally, training and resource management issues were identified by the court as a breach of Trust duty owed beneficiaries in *Cobell v Babbitt*, and were the subject of a prior review-- HLIP 10 in the *DOI Trust Reform, Final Report and Roadmap*. However, because of their importance, the following issues should also be taken into consideration:

- a) There is a need for improved planning and execution in the area of filling vacancies and replacing retirees. As with other federal agencies, the Indian Trust field personnel have a high percentage of staff who are eligible for retirement, and there are already a significant number of vacancies.
- b) There is a lack of training available in several areas that require expertise, such as information technology, customer relationship management and Trust technical subject matter. In many cases, the current staff has not been provided adequate training and do not have the skills needed to perform their work with maximum effectiveness and efficiency. A more detailed recommendation about Trust Management courses that should be available to staff can be found in the *DOI Trust Reform, Final Report and Roadmap*, HLIP 10, Section 2.3.2 - Develop Advanced Trust Management Courses.

The new organizational plan envisions the creation of several important new roles; e.g., Trust officers and call center service specialists. Plans should be developed for recruitment and training of these personnel.

5.2.1.4 Enterprise Technical and Business Architecture

While the As-Is Team did not conduct a technical review of the Trust's information technology environment, a review of this area was performed earlier and discussed in the *DOI Trust Reform, Final Report and Roadmap*. However, due to the critical role that data and computer systems play in Trust activities, one item is highlighted below and other computer system and technology related findings appear elsewhere in this report.

A key recommendation of the *DOI Trust Reform, Final Report and Roadmap* was that DOI develop a comprehensive enterprise architecture. It was noted that there had been an effort to develop a technology architecture, but that it did not address some critical areas, such as network capacity, structure and security issues. The architecture was also not reflective of the processes in place. The As-Is Team's work confirmed that there continues to be a need for an overall architecture and development of technology standards, which apply to IT infrastructure, hardware and software; e.g., systems, applications and data stores. DOI has recognized this need and has established DOI-wide, and BIA/OST-specific working groups to address the issue. However, due to the critical nature of the decisions required, DOI should consider establishing one full-time group to define the architecture rather than continuing with two working groups. No matter who is charged with the task at hand, DOI should ensure that the efforts result in a common, integrated DOI architecture.

5.2.2 Commercial Trust to Indian Trust Comparison

Chapter 3 presents a comparison of the Indian Trust to the structure and operation of commercial trusts. In many respects, there are close parallels between commercial trusts and the Indian Trust. The two have the same basic administration functions and transactional requirements, and have similar fiduciary responsibilities, although there are differences in the way these are executed. The analysis highlights inherent differences between the Indian Trust and commercial Trust operations. A commercial trust is primarily governed by the laws and guidelines of the Office of the Comptroller of the Currency, whereas Indian Trust responsibilities are less succinctly defined. The Indian Trust must comply with numerous federal, state and Tribal laws, regulations, treaty obligations and case law. These laws and regulations add a significant level of complexity to Indian Trust administration. In



addition, the federal government is working with Tribes to encourage Tribal self-governance, including Tribal operation of Trust management functions (except those considered inherently federal).

Furthermore, the scope of the Indian Trust, in terms of acreage, revenues and the number of owner-interests, is also exponentially larger than even the largest private land-based Trust operation in America. The Bank of America Trust department, as an example of one of the country's largest land-based Trust operations, estimates that they manage approximately two million acres of Trust land, compared to the Indian Trust's 56 million acres. The widely recognized problem of fractionated interests of Indian Trust lands just compounds the complexity of the management challenge. Another difference with the Indian Trust is the small amount of money that passes through many of the accounts.

However, in many other respects there are close parallels between commercial trusts and the Indian Trust. The two have the same basic functions and transactional requirements, and have similar fiduciary responsibilities. However, there are many differences in the way they are implemented. Industry standards have been used to highlight the differences in a standard commercial trust and the Indian Trust, which is governed by statute. The following findings and recommendations take into account that usual industry standards are modified by statute when applicable to the Indian Trust. Some of the most important differences are summarized in **Table 5.2-1**.

A general finding is that current Indian Trust operations differ significantly from a commercial trust environment. Indian Trust processes operate within silos, with many steps cycling back from one area to another to obtain needed additional information or further action. This was depicted in Chapter 4, and illustrates the very large number of flows, loops and sequences that are now part of the Trust activities. This situation has developed in large part as a result of the decentralized procedures and systems, which have evolved "piecemeal" over time, from organizational fragmentation, and from absence of Trust-wide planning. In contrast, commercial trusts (including those with substantial real estate holdings) have a much smoother transactional flow, even though it depends upon many different parties to execute required title and realty activities.

With reference to specific functional areas, the table below summarizes the service delivery differences between the Indian Trust and commercial models.

Table 5.2- 1 Highlights of Commercial and Indian Trust Service Delivery Differences

Commercial Trust Characteristics	Indian Trust Characteristics
Periodic planning for and review of asset use. Frequent appraisals to assure adequate return on value	With some exceptions, very little asset planning is done with most leases being continuations of prior land use. Appraisals not always done to support new leases, and very seldom done to consider alternative use
Extensive performance metrics in place to monitor return on assets, service to customers, costs, transaction quality, and other areas. Industry norms used	Very few consistent metrics applied. Locally developed performance measures which are usually not compared to other geographic areas or industry norms
Gradation of services based on asset value, with individualized service to higher asset value customers	No distinctions in service level are made, although there is wide variation in beneficiary holdings, asset values, information needs, etc.
Proactive communications with beneficiaries. Single point of contact for most problem resolution	Mostly respond to inquiries rather than initiating contact relative to delivery of services. Typically, many different organizations must be contacted by beneficiaries to resolve different problems
Centralization and uniformity of records, information and financial systems, with decentralized access	Wide variation of record keeping and information sources
Employ imaging of incoming documents and digitization, utilize a core data base and integrated information technology	Very little uniformity or integration of data. No significant amount of imaging of current records
Considerable use of outside parties to execute significant aspects of trust activities; e.g., leasing, appraisals, title recordation	Heavy reliance on in-house personnel to perform most tasks

Within the confines of its special mission and responsibilities, the Indian Trust should move broadly to adopt commercial trust characteristics for many of its management and service delivery activities. This overall recommendation will be further amplified in the sections that follow.

5.2.3 Cross Process Findings

The findings in this chapter focus heavily on needs for improvement. It is important to note that the As-Is Team found DOI staff to be hard working and typically performing as well as they can within the current environment. In many cases, it appears that the personnel available are inadequate to address the current workload. However, because there are major opportunities to streamline workflows, reprioritize resources and improve the speed and effectiveness of the work being performed, it is difficult to draw overall conclusions about the need for additional personnel.



The team was also able to find several instances where, either at the BIA agency or regional level, very effective practices had been put in place. These were sought out for possible broader application, and will be referred to below.

The following are findings, which span multiple processes. These will at times receive more specific coverage within the Process-specific finding discussions in Section 5.3 – Surface Asset Management Findings and Recommendations below.

5.2.3.1 Broad Trust Management and Asset Stewardship

Finding 1: The Trust has not been focused on the full and consistent identification, tracking and management of its assets and finances.

The Trust lacks a rigorous focus on and supporting mechanisms for full identification of all Trust lands, as well as consistently associating those properties with realty activities, and a thorough system of assuring that appropriate payments are made to beneficiaries. Instead, there are localized and incomplete approaches to identifying and tracking of land and its use. Problems were identified with the ownership identification; e.g., location and tracking of Public Domain Allotments (PDAs), individual Indian allotments in Alaska, and certain restricted Trust lands.

During workshops in some locations, participants stated that there may be a significant number of allotments which are not leased or permitted. One example of this is PDA land, granted to individual beneficiaries out of public fee-interest property early in the 20th century. Most of these tracts are relatively small, in the vicinity of 10-160 acres, widely scattered in location, many of them off-reservation. These tracts are not easily identifiable and often are difficult to locate. Title to these tracts is sometimes unclear. Many owner-interests are unaware of their rights or the location of their land. Those who are aware, frequently report the land as used by third parties in trespass.

Requirements for manpower and time to manage these and other smaller, disconnected parcels exceeds current resource capabilities. BIA land program and realty personnel generally do not proactively perform activities related to these allotments, but respond to the best of their capabilities upon request. Most frequently this is triggered by complaints, notification of trespass, or a contact from another governmental agency; e.g., HUD contacting a nearby BIA office regarding an individual who initiated financing and building a personal home on a tract claimed as an allotment, with lack of clear, 100%-owned title. Frequently, such complaints trigger research that result in identifying small, landlocked allotment(s) within the bounds of rangeland or farmland being used by others without the consent or compensation to allottee-interests. This use may be without knowledge or harmful intent.

Finding 2: Land management and planning is frequently reactive rather than proactive. Approval processes for proposed changes in land use are slow and can discourage outside parties from presenting proposals for Trust land use.

With some exceptions, there appears to be little overall planning as to how individual allotments or Tribal Trust lands should be used going forward, although substantial planning efforts are made in land being forested. The water grant program also has a clear planning process associated with it.



The general goals of the Indian Trust stewardship of surface assets are to support sustainable use consistent with obligations and good environmental practices, minimize the amount of idle land to prevent wastage, and obtain a fair market value for its use.

In many cases, decisions on land usage are often only made as a result of an event occurring such as the termination of a lease, with the result being keeping the historical land use, and little consideration given to other possible uses. In contrast, both the commercial trust industry standards and some of the Tribes participating in the work sessions engage in regular, careful large scale planning for their lands. In these cases, an overall plan is established which identifies specific future land use intentions; e.g., for residences, commercial development, mining, recreation, reserves of sacred land, etc. Reviews are also made of eligible land to consider management alternatives that might produce more revenue and/or improve its condition. For example, some privately held ranches have experienced higher per acre returns and environmental improvement by converting portions to hunting and wildlife observation status.

There are some Tribes who have shown initiative in funding and developing their own comprehensive land use plans. In several of these cases, there appears to be a noticeable improvement in the coordination between BIA and the Tribe in fulfilling the land use objectives defined by the Tribe. In many cases, this may include alternative land uses, commercial development, zoning for home sites, criteria for limitations on development or utilization levels, and reserves for cultural and social use. Notable examples of this are the Jicarilla Apache Tribe, Isleta Pueblo, Sandia Pueblo, Acoma Pueblo, White Mountain Apache Tribe, Salt River Pima-Maricopa Indian Community, Yakama Nation, Hoopa Valley Tribal Council, and Agua Caliente Band of Cahuilla Indians.

Land development for mining, commercial building erection, and other high profile, but potentially appropriate, use is a difficult matter for both individual Indian and Tribal Trust land, due to the presence of considerable legal, regulatory and procedural obstacles which must be overcome. This is typified by very slow decision making and approval cycles that result in a perception by businesses that the leasing of Indian Trust lands is more cumbersome than other federal lands, and considerably more cumbersome than commercial properties. These delays can result in abandonment of the opportunity by a commercial concern and permanent loss of revenue to the beneficiaries, for example when they have a specific time horizon for capital development investments. Adding to this problem is the lengthy lease approval requirement for some tribes. Some Tribes have one or two committees, which must approve a lease while other Tribes have many committees, which must review and approve a single lease.

A contributing problem is the complexity and time-consuming requirements of federal laws and regulations for Indian Trust land use. These are discussed in more detail in specific process area discussions, further below.

Finding 3: Procedures for funds collection and the preparation of distribution advice vary widely, and are time consuming and error prone.

BIA Agencies and Field Offices are the point of receipt for a majority of funds related to land use. Two separate and distinct collection processes take place. Pre-lease collections are part of both the selection of the lessee or permittee step, and the approval of the lease or permit. These are non-trust



funds until the lease is perfected. Lease collection funds are Trust funds and are distributed to the owners of the property.

Only upon perfection of a lease is there adequate information to determine exactly which funds need to be returned to applicants, which funds need to be forwarded to other parties, such as the Tribe, a contracted service provider or to Federal Finance System (FFS) for cash deposits, and which funds are Trust funds and need to be forwarded to OST/OTFM for distribution to the beneficiaries. OST/OTFM policy requires that Trust funds need to be deposited within 24 hours and a distribution advice prepared. The advice is prepared to define the apportionment of funds to the various owner interests in the property. The calculations to complete the distribution advice are not well-understood or standardized in many of the offices that must prepare them.

Policy also requires non-Trust funds to be deposited with the FFS, then when a final disbursement destination or conversion to Trust status is determined, a request for the transfer from FFS to the appropriate destination is required. Many of the specific procedures, guidelines regarding suspense accounts and FFS deposits have changed several times over the last 18 months, resulting in confusion, lack of adherence, and widely inconsistent application in the various BIA offices. Many BIA offices find solutions pragmatic for their location, information access, and funds transfer cycle times. These offices frequently either hold funds until determinations are complete, or deposit them to special deposit accounts, or to local bank demand deposit accounts. As a result, large balances of funds accumulate in various accounts. These accumulations then require lengthy and complex reconciliation to ascertain the original sources and appropriate destinations of the balances, delaying timely and accurate disbursement. While there is a current initiative underway to assist in reconciling and clearing these accounts, new solutions and efforts are still required to minimize or prevent these impacts in the future.

Upon perfection of the lease or permit, or upon the annual receipt of rental payments, a distribution advice is prepared to define the apportionment of the funds to the various owner-interests in the relevant property. The calculations required to complete the distribution advice are not well understood or standardized for all the offices which prepare them. Especially difficult is the calculation for apportionment of the revenue received on a lease or permit. For example, a number of tracts of land have been aggregated into a single Range Unit or Farm Unit in order to increase the commercial appeal and rental value of the land. Revenue is received at this aggregated level. Some agencies base the apportionment calculation upon acreage, dividing the revenue by the number of acres to develop a "blended rate" and this rate is then multiplied by the acreage and percentage of ownership-interest to define the amount owed each beneficiary. Some agencies base the apportionment calculation based on the productivity of each specific tract. This is relatively more straightforward for Range Units, which usually have productivity estimated in animal unit months (AUM), but is quite problematic for farm/pasture leases where no algorithms for productivity exist across different crop types and animal pasturing. Other calculation inconsistencies exist in addressing the existence of non-Trust interests in such unitized land use contracts; e.g., fee interests, BLM land, state land.

Various sources of ownership information are used to develop the distribution advice. Upon submission to OST/OTFM for distribution, many of these advices are rejected for data inconsistencies. Causal factors are many, but some examples are:

- a) Ownership interests in a tract do not total to 100%



- b) Rounding errors indicate individual distribution amounts which do not sum to the total funds available for the property
- c) Differences exist in the calculated fund balance available for distribution on the property, due to interest applied by OST/OTFM, versus the interest applied by the BIA office preparing the advice
- d) Differences in names or census numbers for the individual beneficiaries between BIA records and advice, versus the OST/OTFM records in the TFAS system.

Automated systems do not always contain all of the lease term distribution information and also do not contain the effective and termination dates of leases. This leads to inconsistent revenue collection and delays in distribution of monies to beneficiaries.

The lack of an accounts receivable system also complicates the task of performing cash projections, which are essential in making investment decisions and ensuring that cash is available to meet distribution needs.

Finding 4: The monitoring of direct payments from lessees to beneficiaries has raised significant concerns.

Direct payments are being made from the lessee or permittee directly to the beneficiary for many different types of land use contracts. Although this mechanism provides a way for beneficiaries to receive payments faster by removing DOI as an intermediary, the current processes being used have often significantly diminished DOI's responsibility to assure that proper payment is being made and that the right beneficiaries are receiving the amounts to which they are entitled. This is particularly true in cases where variable payments should be made, where penalties or other fees should be added, or where there are multiple owners of the same tract. Many times beneficiaries have complained to DOI that payments have not been received or have been received late and DOI must then follow up to determine the cause of the complaint. It is not clear as to where the DOI's fiduciary responsibility starts and ends with direct payments.

A wide variety of policies and procedures are being used at regional and local offices to accommodate direct payments. In practice, some BIA Agencies do not allow Direct Pay, some allow it but then require all interests in the property to be paid by Direct Pay, and some allow individual landowner interests to be paid directly or through DOI or through the Tribe.

Each of these options presents difficulties, and can result in incorrect amounts being paid, and not all the correct beneficiaries being paid. For example, the ownership list is usually provided to the lessee or permittee before the land use contract is perfected, as part of the consent process. It is highly unusual for any update to be provided to the lessee/permittee. Given high levels of fractionation on allotted lands, it is relatively common to expect some ownership interest to change, either through disposition, heirship, etc. Lack of notifying the operator of ownership-interest updates results in continued payment based on outdated information.

Where individual owners can individually choose Direct Pay, combined with the complex calculation issues, the results are often varying or incorrect payment calculations being used by the operators. Similarly, some land use contracts require revisions to rental amounts; e.g., based upon commodity price changes relevant to the type of land use, or periodic updates if the contract is a longer duration



lease such as for orchards or vineyards. These rental payment revisions are not consistently accompanied by update to the operator for the new distribution amounts, or calculation change requirements.

In addition to the difficulties described above in implementing Direct Pay, many locations do not require proof of such payment, and hence, do not track fulfillment of the receivables to ensure the beneficiaries are actually getting paid, or paid the correct amounts in a timely manner.

Finding 5: There is no comprehensive approach to monitoring and reporting land condition and usage. Enforcing compliance on land use contracts is often inconsistent and inadequate.

DOI has the responsibility to protect Trust assets, and address poor use practices and land use contract violations, as part of its fiduciary obligation. Three of the Trust Principles documented in the 2000 DOI Departmental Manual address elements of land protection:

- a) Protect and preserve Indian Trust assets from loss, damage, unlawful alienation, waste and depletion.
- b) Enforce the terms of all leases or other agreements that provide for the use of Trust assets, and take appropriate steps to remedy trespass on Trust or restricted lands.
- c) Protect treaty-based fishing, hunting, gathering and similar rights of access and resource use on traditional tribal paths.

As part of land use planning, consideration should be given to whether land is being over or under utilized and which leases are coming due. This is important in determining whether land needs to be reclaimed or possibly used for other purposes.

Idle land presents a singular concern. It can be subject to intrusion from invasive flora and fauna, as well as trespass, dumping or other unsound uses. DOI estimates that roughly 12 of the Trust's 56 million acres are idle. However, it should be noted that some of this idle land is intentionally not leased; for example, sacred land, recreation land, land laid fallow to regenerate nutrients and land left idle at the landowner's specific request.

BIA and Tribal land program and realty staff commonly focus on non-payment or delinquency of annual rentals, with monitoring and enforcement of other forms of "loss, damage, waste and depletion" being more difficult. The majority of the time and staffing allocation at local offices is for permit and lease administration, reporting, funds management and reconciliation. Staffing levels for Range and Agricultural Leasing programs have been reduced from levels in the 1970's and 1980's, heavily impacting land monitoring, operator consultation, and land condition reporting.

As a result of low levels of compliance monitoring, high levels of lease or permit violations are experienced in some areas. This takes many forms. Agricultural lease examples include noncompliance with crop rotation schedules, weed control requirements, or pasturing more animals than allowed. Range grazing permit examples are overstocking, more animals than the rated animal carrying capacity of the land, lack of fence maintenance, erection of fencing not allowed or approved; e.g., precluding other adjacent landowner or operators from having access to public water, trespass, and not adhering to season of use agreements. Where noncompliance exists, BIA or Tribal resources attempt to work with the operator to encourage better practices, but escalation procedures and



enforcement actions are problematic and not always well supported due to social and cultural influences.

For idle lands (lands not under lease or permit), monitoring is even less consistent. It is common to perform monitoring inspections on only 0.5%-10% of idle tracts each year. Trespass, uncompensated Rights of Way, dumping, use of All-Terrain Vehicles driven on Indian lands, and intrusion of invasive flora have been a problem on idle lands, and can result in the tracts no longer being commercially rentable or usable (for example, there are estimated to be thousands of illegal dumps on the Crow Reservation).

Many BIA agencies or reservations reported that monitoring inspections that do occur find high noncompliance rates on leased or permitted tracts, and equal or worse situations on idle lands.

Where compliance violations *are* found, securing effective enforcement can be a problem. BIA and Tribal realty staff has recourse through 25 CFR Part 12, addressing Indian Country Law Enforcement in general; 25 CFR 12.21 specifically provides for BIA Law Enforcement to solicit help from other federal, state, local or Tribal law enforcement officers in support of criminal investigations, including federal hunting and fishing regulation violations. However, in practice, other law enforcement organizations have different priorities, and many have limitation criteria to trigger support, such as the Pacific Region public law enforcement requiring evidence of greater than \$50,000 in damages before they can assist in support of enforcement. Frequently, these limitations and priority conflicts result in lack of practical, timely support to prevent the damage to the land.

Finding 6: There are few performance measures associated with the execution of core Trust tasks and accomplishments. As a result, certain management responsibilities are significantly hindered.

As noted in **Table 5.2-1**, DOI has very few consistent performance measures that can be used to evaluate the efficiency and effectiveness of the delivery of Trust services. Many of the existing measures are locally developed and are usually not compared to other geographic areas or commercial norms. The lack of performance measures results in a deficiency in management information that in turn hinders the execution of some management responsibilities. The following are examples of inadequate performance measures and management information:

- a) There is no accurate inventory of inactive acreage available for lease.
- b) Income received for specific Trust land uses in comparison to similar commercial uses cannot be made to assure fair market value return.
- c) Accounts receivable status to pinpoint recurring payment problems in comparison to commercial norms cannot be made.
- d) Transaction processing backlogs, while often monitored locally, are not uniformly recorded and do not form part of management's information inventory.

Additional findings are documented in **Table 3.3-3 DOI Executive Interview Results**. For further discussion of process-specific performance metrics, see Section 5.3.3 - Beneficiary Services, Section 5.3.4 - Appraisal and Section 5.3.5.3- Long-Term Leasing.



Broad Trust Management and Asset Stewardship Quick Hit Recommendations

Broad Trust Quick Hits

There are a series of short-term improvements that the Department can launch that will make a significant positive impact on operations and service in the "Broad Trust Stewardship" area. Such initiatives can impact the accuracy and timeliness of transaction handling, reduce costs and improve responsiveness to beneficiaries (some of these recommendations are explained in more detail later in this report).

1. **Reduce payment errors and personnel time consumed with calculations and reconciliations by devising and disseminating a common set of standards and calculations for beneficiary payments.** Refine policies and the Inter-Agency Procedures Handbook to include standard algorithms and conduct training sessions as appropriate. Identify, fund, and manage systems maintenance projects to implement these new standards, particularly for those offices and locations relying on IRMS or MAD to perform this calculation. For other locations that rely on local systems, spreadsheets or manual calculations, devise a spreadsheet with appropriate input areas, and protected calculation algorithms, then deploy and train resources to use this standard method of apportioning land use revenue.
2. **Reduce staff time and improve interactions with beneficiaries by developing consistent processes and tools for obtaining consent from fractionated interests in allotted lands.** Approaches for this currently vary from agency to agency. Some locations require up to three separate notifications and responses from tract owners to complete approval of a lease or permit. In these cases, each interaction can involve separately obtaining ownership-interest information. Simplification and standardization of this process could reduce workload and present the same consent experience for those beneficiaries who have ownership-interest in more than one tract.
3. **Simplify and clarify beneficiary account statements.** Beneficiaries are having trouble interpreting and understanding their account statements, oil and gas statements and other Trust-related reports. They find the current codes confusing and consequently do not understand what money is being received from specific Trust assets. An interim working group, with beneficiary representation, should be assembled to simplify the statements and make them more useful.
4. **Make approved manuals and commonly used forms available on the Internet.** Many tribes and some reasonable number of IIM beneficiaries would be able to use the forms without the delay and cost of either sending them by mail or requiring a personal visit to a local office. In addition, DOI field staff itself would benefit from knowing, and being able to quickly access, approved procedures and work aids; e.g., legal terms, calculation tables, etc.
5. **Provide a single, high quality beneficiary inquiry tracking system, available to all offices.** As described later in this report, there are several systems now being used in the field that could serve as the set from which one was selected and then provided to all offices. A brief analysis of these tracking systems to determine the one best suited for national use could quickly be accomplished. This would eliminate current manual, inefficient processes that do not assure inquiry follow-up and tracking. A data capture system "backend" will need to be developed to collect performance measurement metrics and present them in a meaningful manner.



In addition to these improvements, there are some major opportunities to reduce effort in low value activities and refocus these resources on other more pressing needs. These include:

6. **Eliminate duplicate title maintenance activities and shift personnel to higher value efforts.** As detailed below, LTRO/TSOs have taken up the practice of recording leases to land that are also recorded in local realty systems. The expected need for this; i.e., integration of title and realty records into a single system, has not occurred. By no longer maintaining leases and permits as legal encumbrances on title the large current LTRO/TSO title backlogs should be eliminated. Legal title should show only true encumbrances e.g., mortgage liens and Rights of Way (ROWs).
7. **Amend current Probate regulations to be consistent with state probate codes that permit summary distribution of land and monies for small estates.** Currently DOI spends extensive resources and time to probate many small estates, and a large backlog has developed. Streamlining these regulations will not only eliminate situations where the cost of the probate far exceeds the resources being transferred, but would also give all affected beneficiaries access to their assets much more rapidly.
8. **Reduce appraisal backlogs by establishing better criteria for when appraisals need to be conducted.** Currently, every business transaction involving Trust lands is required to have an associated appraisal. However, appraisals are of little value when re-leasing of land for the same purpose, or when charging a \$1 per year rental fee for residential use of Tribal land. No longer requiring appraisals in such cases will focus attention on reducing backlogs and on land use planning.
9. **Utilize the opportunities available in the Data Quality and Integrity initiative to test technologies that can improve data accuracy, speed data cleansing and serve as a pilot for longer term improvements to field office operations.** The separate but related Data Quality and Integrity initiative planned for the summer of 2003 has both the right timing and scale to serve as “laboratories” for testing the efficacy of technologies such as imaging, work flow tools and automated data reconciliation. Once validated, such technologies can have a powerful impact on both the remainder of the Data Quality and Integrity sites as well as being able to be migrated to other field office operational use.

Broad Trust Management and Asset Stewardship Longer Term Recommendations

1. Create comprehensive land ownership, location and use inventories.

Perform a short-term study to gather adequate information to better define the magnitude of the small parcel allotment problems, including individual Alaska Native tracts, certain restricted Trust lands and PDAs.

This effort would also recommend cost effective ways to address the need for capturing ownership, location and current use information of them. An approach should be considered to identify regions with small parcel allotment problems for a sample analysis. Anecdotal information gathered during the As-Is project indicate Eastern Oklahoma, Great Plains, Northwest, Pacific, and Rocky Mountain might be the best candidate regions for such analysis. Further recommendations and discussion of related issues are provided in Section 5.3.8 - Cadastral Survey Services Findings & Recommendations.

2. **Establish a land tracking capability and provide BIA and Tribal leadership a summary of what land is being effectively managed and operated, and where problems or exceptions require greater attention.**

If a management tool such as a “Land Management Dashboard” provided access to land tracking data, DOI and Tribal leadership would have the information necessary to focus attention, funds, or resources where they are most needed. A dashboard could also provide a basis for more effective land management planning. The reporting could be summarized into geographic presentations with quickly identifiable color schemes delineating the type and severity of the problem to be addressed. For example, one view of the information could focus on land utilization; another on revenue collection such as dollars in suspense accounts, and dollars or days delinquent in receivables; and another view for compliance issues. Beyond land ownership and use, DOI should establish clear and measurable service levels for core Trust activities, based on beneficiary needs and the goals operationally defined in the business plan.

3. **Establish clear and measurable service levels.**

The service levels should be based on beneficiary needs, and the goals described in the *Comprehensive Trust Management Plan*. A performance-reporting dashboard that pinpoints status, trends and issues related to accomplishment should be introduced to facilitate visibility into progress and aid management oversight of key activities.

See Section 3.3.5 – Conclusions for further discussion.

4. **Develop and implement a land use compliance and enforcement strategy.**

The availability of a land use reporting and tracking capability will aid in compliance efforts. In the shorter term, DOI should conduct an in-depth assessment to define a quantified scope of the compliance problem and develop options and costs regarding the solution. In particular, two specific approaches should be included in the assessment. First, on-site inspections should be conducted across a representative set of reservations including idle land and each major type of land use; e.g., forestry, grazing, farm/pasture. This assessment should also document the level and issues of contractual noncompliance as well as poor land use (or disuse). Second, an audit should be performed of previously performed monitoring inspections, and assess the resolution, escalation, and enforcement which followed. The use of staff now associated with redundant lease recordation is recommended for use in this area, given that they already have Trust land ownership identification experience.

Once the magnitude of the problem has been determined, a compliance strategy could then be developed which addresses major problem types and geographic areas, as well as establishing guidelines, standards and reporting requirements for all the Trust. It should include considerations of options for enforcement; e.g., dedicated BIA teams, partial use of outside contractors, use of technologies such as aerial photography, and investigation of other techniques beyond traditional physical inspections. In developing alternatives, limited use of fees could be considered, either as part of each land use contract for monitoring purposes, or to provide an incentive to establish ownership of possible Trust lands which are not now tracked or managed.

Statutory and regulatory authority should be reviewed and enhancements considered with regard to specific land protection and lease compliance actions to be taken by BIA realty staff. Similar



recommendations are described in more detail in Section 5.3.5.3 - Long-Term Leasing Findings and Recommendations.

5. Take a more active DOI leadership role in comprehensive land use planning, working with the Tribes and beneficiaries to establish effective plans in line with their interests.

DOI should work to streamline land use planning development and approval processes. This is particularly needed for large blocks of land where there is no robust Tribal planning process in place, and where alternative land use considerations appear ready for analysis. DOI can utilize land planning practices adapted from Tribes, which have successfully implemented such planning, as well as commercial trust models. Models for this activity include the Salt River Pima-Maricopa Indian Community, Yakama Nation, Agua Caliente Band of Cahuilla Indians, and Hoopa Valley Tribal Council.

The Department's goal should be to develop reservation-wide (Tribal and allotted) land use plans, including commercial, residential, agricultural, range and subsurface leasing usage. These plans should be aligned with Tribal economic development strategies, HUD initiatives, and decisions made by Tribal Land Development Committees. DOI should work with Tribal zoning authorities to integrate their plans, as well as with beneficiaries to collaborate on proactive, long-term leasing activities. Acquisitions, exchanges and other asset management activities should also be coordinated with the comprehensive land use plans. Budgets should be established within BIA for land development activities for the most valuable real estate, perhaps increasing long-term leasing administration fees to recover investments for proactive planning efforts. For selected properties, commercial leasing feasibility studies should be conducted. Necessary Rights of Way and beneficiary consent should be pursued to properly proceed with intended land use activities.

To address IIM concerns, actively pursue a council or committee of IIM account holders representing allotment-interests, and DOI representatives, to provide input and guidance in developing and monitoring ongoing management and oversight activities for these allotments. It is likely that a new approach in both process and organization will need to be designed to protect owner-interests and provide greater land use management, monitoring, and reporting for IIM account holders. Current business processes and organizational structures do not adequately support the characteristics of this type of land base.

DOI should work with the Tribes and other federal agencies to streamline the land development decision and approval leasing process to become more competitive with private, state and other federal lands. In particular, some expedited processes should be designed for situations where a proposed commercial development has a high potential return to beneficiaries and it is in conformance with approved land use plans.

6. Implement a leasing system that will support billing, accounts receivable, collection and pre-lease receipts.

The system should provide for sufficient information to be captured as to the lease terms; e.g., effective and termination dates of the lease and schedule of payments due, to allow contract monitoring and enforcement and forecasting. The system should support billing and collection by various land types; e.g., forestry, grazing, farm/pasture and cash receipt; e.g., lockbox and



management reporting. Information must be captured in this system to include origin of the funds and the specific tracts/land uses that generated the funds.

7. If Direct Pay is continued, look at options to improve the accountability of payments.

One option could require a notice be given to the allottee/lessor at the time of lease approval that if the lessor intends to collect the revenue directly, that he/she is responsible for the accounting. The DOI would take action only when notified by the lessor that the lease is not being performed.

A second option could be the initiation of legislation allowing for self-directed trusts with the beneficiary having virtual control over his/her property and BIA simply holding the legal title to the land to protect it from third parties and taxes.

A third option may be for a provision to be made in the lease that the lessee provides proof to DOI that payments were made to the beneficiary. Procedures could be developed that support tracking these payments and produce an accounting. The use of electronic payment and notification would help to ease the administrative costs for both the DOI and the lessee.

In either option, the following should be completed:

- a) Define and consistently implement a set of policies and procedures regarding the handling of direct payments.
- b) Implement appropriate procedures and notifications to lessees and permittees of changes in ownership interests, and updated rental apportionments.

5.2.3.2 Communication and Fiduciary Role

Communication is a challenge for any large organization with widespread geographic operations and a dynamic environment. The following findings relate to areas where DOI needs to improve communication both internally and externally with the beneficiaries and other interested parties.

Finding 1: Those delivering services often do not have a solid understanding of the overall Trust workflow and processes, and how their services fit into the overall Trust business model.

Due to the fragmented nature of Trust service delivery, communications within and across workgroups is fragmented or incomplete. When employees do not understand the entire process of service delivery, but only their contribution, misunderstandings and re-work often occur. As one employee hands-off their portion of the process to another, they may not recognize the importance and impact of the information they supply to the next workgroup in the process.

Within the eight core processes this lack of understanding of the roles and activities of other parties involved is apparent. The As-Is Team experienced this firsthand during a number of the work sessions. DOI personnel from different organizations began to see each other's perspectives and roles, and in several instances resolved long-standing problems between themselves. The communication issue also applies to a number of Tribes as they are faced with issues within their own organizations to execute compacted and contracted activities, further their working relationship with DOI, and as beneficiaries of Trust services.



Finding 2: Communication must not only be internal but external. Executive Order 13175 requires that Tribes be consulted regarding any changes or initiatives that have Tribal implications.

Tribal involvement must be gained early in the planning stages and not in the decision stages. There is also a need to communicate to the individual Indian beneficiaries to inform them of planned changes and how the changes will affect their Trust assets, what information they must provide, and information they will receive in turn from DOI.

Note: Reference the Consultation Model in Section 5.3.3 – Beneficiary Services Findings and Recommendations for additional detail.

Finding 3: There is a significant lack of up-to-date manuals and operating procedures for many Trust functions.

This is a roadblock to establishing consistent and effective execution, and adds to the problem of poor understanding of proper roles, the overlap of responsibilities, and the information needs of other units involved in a given process. However, many localized efforts to update manuals and procedures were identified, but their efforts were not being shared or coordinated across regions. In addition, there were some national-scale efforts to develop updated procedures, but some of these did not appear to be coordinated; rather, an extension of the organizational fragmentation issues described earlier.

Finding 4: There is insufficient clarity regarding what level of oversight local DOI bureaus should exercise regarding the execution of Trust activities undertaken by the Tribes. In addition, greater care must be exercised by DOI to assure that individual Indian beneficiary rights are balanced with Tribal decision-making.

DOI is achieving its major goal of promoting Tribal self-governance and self-determination by increasing the number and scope of Compacts and Contracts with Tribes. However, in some of these cases, the enduring Trust responsibility of DOI and the role of its field staff are not well defined, understood, or consistently executed. Some DOI units pursue a largely “hands off” approach to Tribal actions on their Trust lands, whereas others monitor these Tribal activities closely. Further, there are situations where individual Indian beneficiaries may receive lower returns on their holdings due to Tribal decisions, or disagree with Tribal land use decisions affecting them (e.g. for land jointly held by both Tribes and IIM beneficiaries, or for “checkerboarded” parcels mixed with Tribal land). In other cases, DOI is diminishing its oversight of individual allotted lands because Tribes are administering parts of the leasing and collection activities for them. In implementing the goal to further Tribal self-governance and self-determination, care must be exercised to balance individual Indian beneficiary rights in these types of situations.

Communication and Fiduciary Role Quick Hit Recommendation

Develop a checklist and contact lists for frequent inter-bureau actions. Also, develop short communication checklists for actions such as lease approval or modification notifications, lease cessation (cancellation, surrender, termination or expiration) notices, intent to release bonds, notices



of non-compliance (INC, letter, Order, etc.) and inspection report distribution. Distribution lists and/or matrices should be prepared at the Agency and Field Office level. These distribution lists should contain individual names, locations and contact information, i.e., phone numbers, fax numbers, Internet address/email address, and street address. The distribution list should be a locally maintained working document.

Communication and Fiduciary Role Longer Term Recommendation

1. Launch a program of education and communication for DOI Trust service delivery personnel, as well as for the beneficiaries.

Much can be done to provide DOI personnel with an understanding of their role and responsibilities in relation to the Trust. The reorganization recently announced by DOI provides both a need for, and opportunity to, establish better communication on the respective roles and duties of the bureaus involved in the Trust, and to help break down what have been barriers and inter-organizational turf issues. The principal focus of each DOI team member should be that of performing trustee duties. The process “hand offs,” and information needs of each party should be documented and explained, so that connected activities can be clearly seen by those involved.

Supplementing this education process should be updated process and procedure manuals, which should be made available electronically to staff and outside interested parties.

2. Clearly define the role DOI expects its staff to play in the oversight of Compacted and Contracted Tribe activities.

It should also provide guidance on, and increased attention to, situations where mixed individual Indian and Tribal land use planning, leases and payments occur to ensure that the fiduciary rights of Tribes and individual Indian beneficiaries are properly upheld. Further recommendations and discussion of related issues are provided in the Beneficiary Services (includes a Consultation Model), Appraisal, Forest Management, Agricultural Leasing, Long-Term Leasing, Subsurface, Accounting Management, and Cadastral Survey Services sections, below.

5.2.3.3 Technology and Information Sharing

As was mentioned, a technical review of the many systems, which are being used by the Trust was not within the scope of this study. However, due to the many interrelationships between business processes and their associated computer systems, a number of issues related to information technology (IT) are discussed below.

Finding 1: Indian Trust systems often contain duplicate, inconsistent and conflicting data.











































As with many institutions, the systems that DOI utilizes were developed over decades to satisfy various business requirements. These systems were developed employing many technologies and were not well integrated. In the current DOI environment, there are four main types of data being captured: beneficiary, title, realty and accounting. Information is being entered into a number of different automated and manual systems without any reconciliation being performed among these various systems. There is also no standardized format for entering the data across the systems or across the regions. As a result, there are a number of instances where important information reflected

in such systems as LRIS, IRMS and TFAS is not consistent. As a consequence, DOI staff, in looking at or using the information in any one of these systems, often does not have accurate, complete or up-to-date information available.

There is also an absence of a unified source of information to draw upon, and typically very little information sharing occurs either within a process or across the processes and geographic regions. This lack of a unified source of consistent information makes it difficult to produce a full and complete beneficiary accounting statement that reflects accurate information and transaction activity, and assures accurate beneficiary disbursements. It also diminishes the ability of BIA, OST/OTFM, MMS and BLM units to use, share and update common information. In some cases, it has also proven either very cumbersome or almost impossible to find all of the information that may be needed to satisfy a beneficiary query or operational need.

The myriad of automated and manual systems now being used creates an environment in which systems and procedures must be separately maintained and updated. These systems each require separate training and business procedures. One of the main causes of the inconsistent and inaccurate information found across processes is due to the multiple automated and manual systems being used for realty and title. Compounding this problem is the fact that different versions of these systems are being used in different regions. On-going IT equipment purchase decisions and software acquisitions are also more costly in this environment than if a more uniform approach was employed. The following table is a representative sampling of the information currently housed in different automated and manual systems.

Table 5.2- 2 Illustration of Diverse Trust-Related Systems

Systems	Information			
	Beneficiary	Title	Realty	Accounting
ACCESS				
ALIS				
State and Local Courthouse Systems				
EXCEL				
GLADS				
IRMS				
LISLA				
LRIS				
MAD				
Paper				
PC LEASE				
RDRS				
REM				
TAAMS				
TFAS				



Even where there is an established national system for a functional area, there is a lack of uniform use of it, and very little ability to realize reduced maintenance costs, or monitor results on a more than local level. In contrast to this, the Trust has implemented TFAS, which is a system used by many commercial trusts. It has lower maintenance and upgrade costs, and a high degree of reliability, in that it is based on nationally sustained software and hardware.

In addition, OITT leadership and the Special Trustee's office have recently moved to investigate other, broadly based IT systems which might be adapted for use in the Trust and take advantage of the economies of scale which they, like TFAS, afford. Problems with the quality of the data in title and realty within the Indian Trust have been documented in earlier reports; e.g., *Interim Report and Roadmap for TAAMS and BIA Data Cleanup*. These in general are caused by a lack of data standards, quality control, and integrated systems. These inconsistencies can have a direct impact on the ability of DOI to execute its fiduciary responsibilities. DOI has recognized these problems and has begun a Data Quality and Integrity initiative in order to limit the number of systems being used and to improve the quality and integrity of the data among systems. A by-product of this initiative may be an improved ability of BIA, OST/OTFM, BLM, MMS and other agencies to access and share consistent information.

Technology and Information Sharing Longer Term Recommendations

There are a number of significant changes that DOI should take in concert to address the data sharing and data integrity issues. These changes will result in integrated information which can be shared across DOI and also eliminate the need for the multitude of manual and automated systems with redundant and inconsistent data.

1. Build a common data store (storage facility).

One of the key ingredients for an institution that has many organizational units that require access to common data in order to efficiently perform their operations is to build a data store that will house all critical components of this information, and then allow the various units to access that information for researching, reporting or processing purposes. DOI will have to reengineer business processes and change the organizational culture to effectively use it; otherwise, there will be continuous use of disparate databases. Some of the advantages of a common data store are:

- a) Single point of entry for updates and maintenance
- b) Avoidance of redundant or inconsistent data in multiple systems
- c) Query capability by many organizational units
- d) Accurate information for reporting
- e) Complete picture of a beneficiary's investment and real estate holdings

An illustration of how a common data store structure would allow information to be entered at a single point and yet be accessed by many organizational units is reflected in the following diagram. DOI data systems architecture, mentioned above, should include plans for the development of such a common data store.

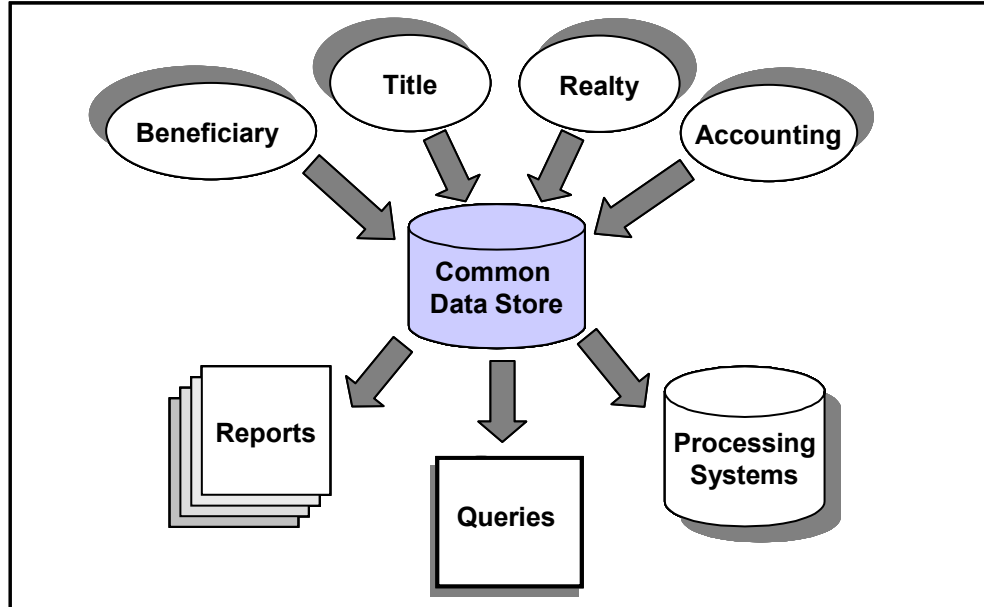


Figure 5.2- 2 Illustration of a Common Data Store Structure

2. Introduce Customer Relationship Management (CRM) technologies.

CRM technologies are utilized heavily in private sector settings and commercial trusts and center around a data store. These include using imaging technologies to digitize and share documents, tools to assist with tracking beneficiary inquiries and their status, and eventually access to the integrated, shared data store housing ownership, realty and financial information.

3. Migrate to one title system and only utilize one version of the system.

Critical data elements must be identified and standardized rules developed as to the data which can be stored in these fields.

4. Enhance the DOI-wide network infrastructure.

The infrastructure should support the transaction volumes required to ensure that all title-related data is recorded consistently by all affected DOI offices and Tribes. This infrastructure also needs to reflect the form in which title information will be shared and archived.

5. Develop a set of requirements for a realty system.

There are a myriad of automated and manual realty systems in use by DOI today as illustrated in **Table 5.2-2** above. This causes delays in research, delays in resolving probates, delays in finalizing leases and an inability to produce accurate and comprehensive asset and transaction beneficiary accounting statements. DOE should review the realty COTS systems available in the market place and then purchase and implement the same version of the realty system.

Note: The Data Quality and Integrity project has begun to identify the requirements of a subset of the more comprehensive data store that DOI needs.



6. **Institute data management standards for the entry of title and realty information across regions and across systems.**

5.2.3.4 Technology Tools

Finding 1: There is a significant problem with document maintenance nationwide.

As a result of regulations, beneficiary files set up and maintained by OST/OTFM, can only be retained for the current year and previous year. After that time these files must be put in storage. As a result, BIA and OST/OTFM staff must often request beneficiaries to provide duplicates of documents that they have previously submitted. This delays updating beneficiary information and disbursement of trust funds and often angers the beneficiaries.

Finding 2: There is a lack of the use of workflow and case management technology tools readily available.

These tools are fairly common in a transaction processing environment and serve to manage the information and processing flow to insure that all essential steps are being taken, and required information or decisions needed for subsequent steps is supplied. This minimizes rework and process "loops" which cause delay and frustration. They typically interface with the data systems established for specific processes, and utilize data in them to automatically populate fields for multiple forms and steps in a process. This is in contrast to the current environment, which is characterized by significant manual form completion and few automated interfaces to speed up processing and to reduce transcription errors. Other technology tools, such as Internet access, are also not being utilized.

Technology Tools Longer Term Recommendation

Deploy automated tools that digitize information and make it available for transaction processing with work flow sequences.

There are many technologies available that will allow documentation to be captured, stored and shared electronically, and to have the resulting digitized information incorporated into workflow tools that facilitate business processes. Deployment of these tools could dramatically reduce errors, speed the data cleanup effort, and shorten the time required to complete transactions. A near-term opportunity to assess these tools is the Data Quality and Integrity Project's efforts to systematically cleanse key individual Indian land ownership, realty and accounting information.

5.2.3.5 Cross-Process Observations

1. DOI staff and beneficiaries indicate it is not always clear if the services provided are under the auspices of the Indian Trust or another federal program. DOI staff does not always have an understanding of how or why activities they are performing are Trust-related.

2. The same standards that are burdensome to public land managers are frequently even more problematic to the Indian land manager. This often causes delays in the leasing of Trust lands that can be avoided when leasing other federal or commercial lands.
3. For a variety of reasons, including historical, cultural and resource constraints, information regarding land holding and the location of parcels is often incomplete, inaccurate or unavailable. This causes delays in several processes such as Probate and Title; and therefore, causes delays in beneficiaries receiving monies to which they are entitled.
4. In order for DOI to more efficiently fill their fiduciary responsibilities, DOI staff believes there is a need to standardize data, policies and procedures across regions. At the same time, the Tribes view the need for standardization as more bureaucracy and government control.
5. Requests for information needed for trials and other litigation require substantial attention and time by both DOI field staff and central office management.
6. There are a number of requirements issued by other federal agencies that DOI must comply with but there is no funding allocated to comply with these mandates; for example, satisfaction of environmental requirements.
7. Some Tribes have invested substantial time and money in developing systems and procedures to support the activities that they conduct. The investment made often varies due to the Tribe's ability to fund these enhancements.
8. There are many challenges that DOI staff must address when performing duties that may also lead to inefficient operations.
 - a) The ever-increasing number of beneficiaries whose whereabouts are unknown has led to impediments in finalizing leases when the lease agreement is dependent on having concurrence from some percentage of the beneficiaries who hold an interest in the property. It can also lead to difficulties in making disbursements to beneficiaries and has resulted in funds being held in abeyance for long periods of time.
 - b) Differing Tribal values, customs, priorities and objectives make it extremely difficult to implement or change DOI-wide policies and procedures. Crafting a new policy or procedure, or updating an existing policy or procedure, to accommodate the needs or preferences of one Tribe or group of Tribes may often prove to be in sharp contrast to the needs and customs of other Tribes.
 - c) Cultural patterns such as the reporting and recording of marriages, births, adoptions and deaths has lead to hindrances in the opening and maintenance of IIM accounts, delays in making disbursements, as well as causing problems in title processing and closing out probates.
 - d) Frequent beneficiary name changes or the use of multiple names by beneficiaries has caused confusion and sometimes resulted in the opening of multiple accounts for the same beneficiary.
9. When a Tribe manages enrollment, leasing and resource studies, BIA access to such records is sometimes difficult. Conversely, due to new high-level security clearance requirements, Tribal Program access to BIA records can be restricted.
10. There is a lack of understanding at the field level as to the extent BIA Trust records are public or private, such as lease and ownership information. Some of the misunderstanding is due to two opposing efforts: (1) make more information available to the public and beneficiaries, and (2) maintain greater control over and access to data files.



11. Establish clear guidance on what functions are inherently federal, to facilitate Tribal Compacting and Contracting agreements and establish consistency in their execution.
12. While Tribes are precluded from compacting or contracting for Trust functions that are considered to be inherently federal, identification of these functions is confusing. There is insufficient guidance in this regard to assist in the development of agreements under which Tribes can undertake programs and functions, causing uncertainty among the participants and inconsistency of execution.



5.3 *Process Specific Findings and Recommendations*

5.3.1 Probate Findings and Recommendations

Finding 1: Probate activities frequently take years to complete, resulting in potential errors, modifications and delays in distributing Trust assets to heirs and devisees.

Regions and agencies consistently reported that probate activities frequently take years to complete. Specific issues were raised regarding DOI's ability to prepare probate packages and to coordinate the execution of probate decisions.

Several factors contribute to the time required to prepare probate packages. It is often difficult to obtain decedent and family information from state and tribal vital statistics offices. States frequently do not recognize DOI's authority to obtain vital information for probate proceedings and may require subpoenas before they will release that information. This is especially true for Tribes that have compacted or contracted case preparation responsibilities. Also, locating possible heirs whose whereabouts are unknown can significantly slow the process. As time elapses, it becomes increasingly difficult to obtain the information required to probate an estate.

In order to obtain vital information on a timelier basis, OST has undertaken several initiatives:

eVitals. eVitals is an initiative being sponsored by the National Association of Public Health Statistics and Information Systems (NAPHSIS). NAPHSIS, under the eVitals umbrella, is developing a central information resource by which the Social Security Administration can verify the death of an individual regardless of the state in which that individual resided. This repository is currently being piloted in eight states and will be implemented over the next several years. It is important to note that, while the repository will not generate a notice of death, it could enable the Department to obtain an official death record of a beneficiary.

In a second eVitals-related effort, NAPHSIS is developing a platform, which allows physicians to electronically transmit death notices to the central information store. This data would be shared with the vital statistics offices in a common format that would be used by all states.

While the Department's participation in the eVitals initiative is still in the formative stage, the potential exists for DOI to automatically receive death notices as they are submitted and to access a nation-wide repository of certified death records, significantly reducing the time required to prepare a Probate packet.

VitalChek Network. OST has contracted with the VitalChek Network to obtain certified death certificates when local agencies find it difficult to obtain that information. Approximately 1,600 probate cases cannot currently be submitted due to the lack of a certified death certificate. VitalChek is assisting the Department in obtaining those certificates and is forwarding them to OST.

TransUnion Watch. Watch is an application that publishes electronic notifications when changes to targeted information pertaining to a specific population are registered with any of a number of public systems and data stores. OST is currently implementing specific Watch notifications that will enable the OTS/OTFM to update beneficiary addresses, phone numbers and other relevant information. These updates will facilitate both case preparation and estate closing activities by facilitating efforts designed to locate beneficiaries and heirs.



As discussed in [Section 5.2.3.3 - Technology and Information Sharing](#), information regarding Trust assets is distributed among multiple, independent systems of record. There is no means of accessing an integrated record of Trust assets and ownership, significantly increasing the time required to prepare a probate package.

There is little distinction between case preparation activities for small vs. large estates and testate vs. intestate cases. DOI follows the same procedures when researching family information and preparing probate packages for small and intestate estates as are followed for large and testate estates.

There are no consistent guidelines for prioritizing probate activities and reducing the overall effort and time required to complete probate activities. As a result, specific probate activities are suspended or resumed when priorities change from reducing the average age of probate cases to reducing the number of probate cases or the value in estate accounts.

There are no established criteria for making a determination of death upon request. In several areas, requests for presumptions of death are no longer being forwarded to OHA. Family members request presumptions of death when an individual's whereabouts are unknown and absence cannot be explained. In these cases, IIM accounts are placed on hold and Trust monies may not be distributed to beneficiaries for many years.

It is difficult to determine the source of funds in IIM accounts, especially for older probate cases. IIM account balances that accrue after the date of death must be distributed according to the probate order. Because there are no automated mechanisms to identify the source of funds, Probate staff must rely on paper realty records (leases, permits, etc.) to identify the source of funds in IIM accounts, increasing the time and error rate of associated distributions. The longer the probate takes, the more difficult and time consuming it is to identify the source of funds.

Probate activities involve multiple organizations. BIA typically prepares a probate package; OHA (or BIA) then adjudicates the estate and OST ultimately distributes estate assets. The lack of workflow tools (refer to [Section 5.2.3.4 – Technology Tools, Finding 2](#)) hampers cross-organization coordination, making it difficult to ensure that complete and accurate information is delivered to affected parties. As a result, probate activities take much longer to complete and are subject to higher error rates.

Current accounting practices do not rely on documentation determined to be valid during formal probate proceedings; e.g., birth certificates of heirs. As a result heirs and devisees must resubmit this documentation before they can receive funds due them from the decedent's estate.

Because the interim Probate Tracking System (PTS) was lost with DOI's lack of Internet access, the OITT is currently developing a Case Location & Status database (CLS). CLS is an interim, stand-alone database being developed in an effort to understand and track the status of current probate activities. CLS will contain information regarding the status of each Probate estate in which any assets are undistributed.

As probates are held for a significant amount of time, modifications are frequently made to the original probate to address property or heirs that may have been incorrectly omitted or included in the estate. These situations create additional delays in distributing Trust assets to heirs and devisees.



Finding 1 Quick Hit Recommendations

1. **Establish a Memorandum of Agreement regarding family information.** The OHA should work with state governments to establish a Memorandum of Agreement (MOA) under which state vital statistics can be released to DOI (including Compacted and Contracted Tribes that have assumed the responsibility for case preparation), on a privileged basis, for use in probating Trust estates. This MOA should address information regarding births, adoptions, marriages, divorces and deaths. This type of agreement has been shown to reduce the time required to prepare probate packages.
2. **Consider performing partial distributions.** DOI should consider adopting the common practice of performing partial estate distributions when most of the relevant information is available and the probate decision will require an extended time to reach. This practice would reduce the impact of lengthy probate proceedings and enable heirs and devisees to leverage estate assets (especially where those assets are required to meet ongoing obligations) while minimizing the incident and impact of incorrect distributions.
3. **Define a consistent prioritization standard.** DOI needs to develop a consistent standard for prioritizing case preparation and asset distribution activities that minimize the overall time and modifications associated with probate activities.
4. **Revise the criteria used to define small estates.** DOI should consider amending probate regulations (25 CFR 15.206) to be consistent with state probate codes that permit the summary distribution of land and monies. Changing the criteria used to define a small estate will significantly increase the number of cases eligible for abbreviated probate proceedings.
5. **Define the criteria for ordering a presumption of death.** The OHA needs to establish a consistent set of criteria for granting a request for a presumption of death. The criteria used to make a determination regarding these requests must balance the needs of the family with the rights of the individual whose whereabouts are unknown and whose absence cannot be explained.
6. **Implement an IIM account tracking process.** Until title and accounting systems can be effectively integrated, BIA Agencies should monitor decedent account activity to ensure that income can be appropriately tied to Trust assets. This will ensure that income generated after the death of a beneficiary can be appropriately distributed to heirs and devisees on a timely basis.

Finding 1 Longer Term Recommendations

1. **Create legislation authorizing DOI to obtain vital statistics on a privileged basis.**

The Department should consider sponsoring federal legislation establishing OHA's right to obtain vital statistics for heirs, potential heirs and devisees, on a privileged basis, for use in probate proceedings. The scope of this legislation should include vital information regarding births, adoptions, marriages, divorces and deaths. This legislation should reduce the time required to prepare probate packages by creating an efficient, reliable source of family information.
2. **Encourage estate planning.**

Probate proceedings can be simplified, and the time required to complete probate activities can be reduced, by encouraging estate planning. In order to support these activities, DOI

needs to train BIA agency staff in the preparation of effective, provable wills and related legal instruments.

3. Revise case preparation procedures for testate estates.

The Department should consider deferring the search for potential heirs of decedents with self-proving wills. In these cases, DOI would need to afford interested but unidentified parties the opportunity to challenge probate results, but the time required to prepare the probate package would be significantly reduced.

4. Establish an office to coordinate research efforts intended to establish the location of beneficiaries whose whereabouts are unknown.

BIA regions and agencies currently develop independent capabilities for identifying the location of beneficiaries whose whereabouts are unknown (both heirs to probate proceedings and individuals for whom requests for presumptions of death are outstanding). DOI should consider creating an office to coordinate these efforts, leveraging the capabilities of other federal investigative agencies and contracting with outside firms as appropriate.

Finding 2: DOI undertakes three primary, sometimes conflicting, Probate roles.

As illustrated in the following diagram, the Department performs three distinct, and sometimes contradictory, roles, when conducting probate activities.

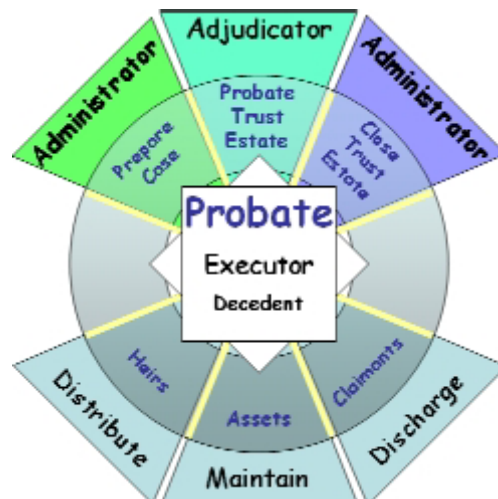


Figure 5.3.1- 1 Probate Roles

As the Administrator of Trust lands, the Department must take the actions required to manage the decedent's Trust assets in a manner consistent with overall Trust principles and objectives. These principles encourage DOI to emphasize the economic value and utility of Trust lands. In this role, BIA Line Officials counsel beneficiaries on the anticipated impacts of proposed transactions and, upon receiving an indication of the beneficiaries' intent, make a determination as to whether those transactions are in the beneficiaries' best interests as a group. During probate proceedings, DOI (as the Administrator) gathers all information required to probate an estate and takes the steps necessary to distribute estate assets in accordance with the probate order.



In the Executor role, DOI is obligated to manage estate assets consistently with the wishes of the decedent, to the extent that those wishes are known, rather than the beneficial owners as a group. The decedent's wishes may emphasize the cultural or hereditary value of Trust lands over their economic value. Current regulations that invest the responsibilities of the Executor in the Line Official may create a conflict when the decedent's wishes are not consistent with DOI's fiduciary obligations, strategic Trust principles or the interests of the beneficial owners as a group.

The Executor is also responsible for the preserving the integrity of Trust assets during probate proceedings, facilitating the probate process, and ensuring that heirs, devisees and claimants receive estate assets as ordered in the probate decision.

Finally, as Adjudicator, DOI must objectively weigh the interests of the decedent with the rights of heirs, devisees and claimants and justly distribute estate assets.

Finding 2 Longer Term Recommendations

1. Segregate the three probate roles.

The Department needs to segregate probate responsibilities to ensure that the decedent's interests are appropriately balanced with overall Trust objectives.

2. Establish the position of Executor to Oversee Probate Activities.

DOI should consider establishing a position equivalent to that of an Executor or Personal Representative. This individual should oversee all probate activities (from death to distribution), ensuring that estate assets are maintained in accordance with the decedent's interests during probate proceedings. The Executor or Personal Representative should also ensure that claims are discharged and remaining assets are distributed in accordance with the probate decision.

Finding 3: Probate adjudication is conducted by two organizations with inconsistent regulations, policies and guidelines.

BIA actions are governed by 25 CFR 15, Deputy Commissioner's Memoranda and precedent set by the Interior Board of Indian Appeals (IBIA). OHA is governed by 43 CFR 4 and IBIA precedent. As a result, Trust assets may be distributed inconsistently among claimants, heirs and devisees.

OHA distinguishes between IIM funds existing at the time of death from subsequent income earned. Income earned after the time of death is attached to the land from which the income was derived and distributed to the individual inheriting monetary interest in that land. BIA does not make this distinction and treats all IIM funds, regardless of whether they result from income earned before or after the date of death, as separate personal property to be distributed in accordance with the laws of the decedent's state of residence.

OHA consistently distributes real property according to the most-specific, approved probate code (Tribal code takes precedence over state code) of the state in which the property is located. BIA Deciding Officials also adhere to approved Tribal probate code. In some locations, however, BIA distributes Trust lands according to the probate code of the state of residence or domicile of the decedent, rather than the state in which the property is located.



BIA regulations, revised in January, 2001, remove the U.S. as a priority claimant against an estate to address the perceived conflict of fiduciary responsibilities (25 CFR 15.305 as annotated). OHA, however, under 43 CFR 4.251 as annotated, gives priority to federal claims that have been reduced to judgment by a court of competent jurisdiction (federal claims that have not been reduced are treated consistently with 25 CFR 15.305).

Finding 3 Quick Hit Recommendations

1. **Clarify the rules to be used to distribute Trust assets.** Separately address income and interest existing in IIM accounts at the time of death from subsequent income and interest. This policy then needs to be consistently implemented by both BIA and OHA.
2. **Direct the OHA and BIA to consistently prioritize federal claims.** OHA and BIA regulations regarding the prioritization and disposition of claims are consistent in other respects. Together, these steps will ensure that Trust assets are distributed consistently regardless of the organization that adjudicates the estate.

Finding 3 Longer Term Recommendations

1. **Clarify the status of secured liens against Trust assets.**

Trust assets encumbered by secured liens (liens obtained using Trust lands or income as collateral) are passed to heirs and devisees with the encumbrances intact. Both 25 CFR 15 and 43 CFR 4 need to be amended to clarify the status of secured liens.

2. **Consolidate all adjudication activities into a single organization.**

Moving all Deciding Officials (Attorney Decision Makers (ADMs) from BIA, Indian Probate Judges (IPJs) and Administrative Law Judges (ALJs) from OHA) into a single organization will simplify the administration of Probate activities:

- a) There would be no further need for BIA to determine which organization will adjudicate an estate (25 CFR 15.205) removing 15 days from the case preparation period.
- b) A single set of regulations, policies, precedence and guidelines would be used to govern adjudication activities.
- c) A single organization would better leverage available resources to meet workload requirements.

Finding 4: DOI probate activities are governed by multiple probate codes, increasing the complexity of distributing assets among heirs, devisees and claimants.

Deciding Officials must be familiar with multiple probate codes (state and Tribal) depending on the location of Trust lands. These complexities increase the effort required to verify the distribution of properties and subsequently delay the disbursement of IIM monies.

Probate statutes and regulations frequently force DOI to distribute decedent interests as if they are part of multiple estates simply because those interests are located in different states. Many states have adopted intestate procedures that incorporate a biased distribution of assets to provide for



the welfare of a surviving spouse. These rules do not reflect the distribution of assets located in other states, resulting in further bias and conflicting and confusing distributions of Trust lands.

Finding 4 Longer Term Recommendation

Implement a uniform Indian Probate Code.

A uniform probate code that addresses all Trust lands as part of a single estate would significantly decrease the complexity of Trust asset distribution. As with current DOI obligations, a uniform probate code would need to defer to any existing approved Tribal probate codes. Treating Trust assets as part of a single estate, however, would eliminate much of the research required to adjudicate Trust estates.

Finding 5: Coordination between BIA Agencies, and between BIA and OST, is cumbersome and untimely, resulting in delays in the distribution of Trust lands and IIM monies.

BIA Agencies frequently must coordinate activities with each other and with OST when performing probate activities. These activities include both the creation of a complete estate inventory and the distribution of assets and monies to heirs, devisees and claimants after a decision becomes final.

Creating a complete and accurate estate inventory is a complex and time-consuming task, especially when the decedent holds interests in Trust lands managed by multiple agencies or regions. In these instances, the probate staff must address issues related to the name and identification number under which the decedent's interests have been recorded in different locations – a process that may take months to complete. The integrated systems recommended under Section 5.2.3.1 - Broad Trust Management and Asset Stewardship should significantly reduce the time and effort required to create accurate estate inventories.

The increasing diversity in Trust ownership, however, also increases the difficulty associated with determining the net amount to be distributed to heirs and devisees. Probate decrees typically must be supplemented with instructions on how to distribute interest and leasing income that has accrued since the date of death. Today, BIA Agencies use different methods to calculate these distributions. Some agencies produce vouchers that specify exact dollar amounts. These vouchers then need to be amended to reflect any income accrued since the vouchers were created. Other agencies specify a dollar amount and then instruct OST/OTFM to include any income that has been accrued since the date of the authorization. In these instances, OST/OTFM must establish the source of any additional funds in determining how to distribute estate monies. Both approaches result in difficulties, and delays, in distributing Trust assets among heirs and devisees.

Where probates are governed by pre-2001 regulations, an estate can be held open for extended periods of time to satisfy claims. Current procedures require BIA probate clerks to monitor estate accounts and periodically submit claim settlement authorizations for partial payments. This practice increases the time and effort required to ensure that all parties receive appropriate distributions.



Finding 5 Quick Hit Recommendations

1. **Publish an IIM distribution policy for probate.** DOI needs to establish a consistent policy to be used by agencies when authorizing final estate disbursements. Authorization forms should identify the judgment amount, any specified distribution rules, and indicate that OST/OTFM is to calculate any accrued income and interest since the judgment date. The authorization form needs to also specify any liabilities to be satisfied out of these funds prior to calculating the net distribution. The final statement should then identify each component of that distribution: the judgment, any accrued income (including lease income, interest and dividends), claims and the net amount.
2. **Authorize recurring distributions.** The Department should consider revising current accounting policies and allow agencies to authorize recurring distributions of Trust funds to claimants. This will reduce the effort required to administer claims against an estate. (This recommendation only applies to priority claims and probates conducted according to the pre-2001 regulations).



5.3.2 Title Services, Acquisition & Disposal Findings and Recommendations

Finding 1: Title maintenance is performed by multiple, independent organizations. The Title maintenance queue is so extensive that some changes are not recorded before subsequent decisions are made which rely on affected Title information.

Official Trust Title maintenance is currently performed by BIA, Tribes and various state and local governments. In addition, BLM and MMS have separate ownership systems that may contain information relative to Indian lands. These organizations have separate requirements, procedures and infrastructures for maintaining Indian land information and none have an effective means of coordinating Trust-related Title information. The result is that Trust title records are not integrated and are inconsistent.

When LTRO/TSO updates or changes are made, there are no procedures in place to ensure that these updates are consistent with BIA agency/Tribal changes. The inconsistencies are created when Certified title maintenance lags behind the operational needs for title information at the agency/field or Tribal locations. TSRs are not updated, or automatically produced, as title maintenance occurs.

Recordation policies are not standardized regarding document setup and recordation for each type of transaction. Some BIA Agencies submit all short-term leases, leases for nominal payment or permits to the local servicing LTRO/TSO for recordation, while others do not. Redundant recordation happens as realty personnel at agencies are also recording these leases and permits on local systems, as well as sending them to the LTRO/TSO. In the current environment, LTROs and BIA Agencies (and in some cases Tribes) each maintain separate title and utilization records. While DOI needs to maintain a complete record of Trust asset utilization (leases, permits, ROWs, etc.), most of these transactions do not require title changes. These three transactions make up in excess of 90% of all leasing activity and 70% of all title- and utilization-related transactions. In addition, lease renewals, expirations and cancellations are seldom recorded.

BIA Agencies report approximately 30,000 applications for non-probate conveyances and encumbrances per year of which approximately 69% are approved (Data from the 1997 BIA Annual Land Report). In addition, approximately 6,000 to 8,000 estates are probated each year.

According to the 1997 BIA Annual Land Report, leases were only recorded for four to five million of the 56 million Trust acres. Some of the remaining Trust land is under permit, may be categorized as idle lands, cannot be leased or was not included in the report.

It is estimated that LTRO/TSOs are currently processing in excess of 200,000 requests per year, including recordation requests and requests for certified and uncertified TSRs, Individual/Tribal Trust Interest reports and Estate Inventories (BIAINVs). Recordation requests, however, may represent less than 10% of the total number of title-affecting Trust transactions. The LTRO/TSO infrastructure and organizations are overwhelmed and cannot keep up with the huge volumes associated both with probates and conveyances as well as with the attempt to record short-term leases and permits. LTRO/TSO maintenance typically lags behind BIA agency and Tribal updates.



A mission of DOI is to maintain a complete record of Indian Trust assets and ownership. The extensive recordation and encoding queue prevents LTRO/TSOs, BIA Agencies and Tribes from sharing Title information in a timely manner, making it difficult to maintain current and accurate Title records. The inability to share Title information on a timely basis prevents LTRO/TSOs from certifying Title status as accurate.

To address this issue, LTRO/TSO managers met in October 2002 to begin evaluating and standardizing recordation policies and information support. This meeting included both BIA and Tribal LTRO/TSO managers. LTRO/TSO standardization activities are expected to be complete by June 2003.

Finding 1 Quick Hit Recommendations

1. **No longer record leases and permits as legal encumbrances upon title in the LTROs/TSOs.** Halting the practice of recording leases and permits as encumbrances upon title will reduce the workload in the LTROs and TSOs. Reducing the workload will enable LTROs/TSOs to be more responsive in updating asset and ownership records.
2. **Authorize Line Officials to certify the accuracy of Trust land utilization.** DOI needs to change the Deputy Commissioner's delegation of authority regarding title certification to authorize LTRO/TSO managers to certify the accuracy of the land descriptions and ownership and Line Officials to certify the accuracy of land utilization.
3. **Standardize the conditions under which transactions are recorded.** Recordation policies need to be updated to identify the conditions under which transactions should be recorded and the documents that must be recorded for each transaction. These policies then need to be implemented consistently across all LTROs and TSOs.

Finding 1 Longer Term Recommendations

1. **Implement an integrated, nation-wide title system.**

DOI needs to consider consolidating all title maintenance into a single, nation-wide system of record. The title system needs to maintain a record of Indian Trust lands and ownership, legal encumbrances (mortgages, life estates, ROWs, Mineral Access Agreements, etc.). This system needs to be interfaced with BIA systems used to maintain a record of Indian Trust assets and ownership. Consolidating the many different title and realty records into nation-wide systems will reduce the time and effort required to maintain a complete, current and accurate record of Indian Trust lands, ownership and utilization. These records, and those that do not encumber title, should be maintained in a Land Information System, which can be updated at the local level.

2. **Create a single archive system.**

DOI should maintain a single archival record (based upon electronic information provided by BIA Agencies) that meets 16 BIAM and other federal records retention strategies.



3. Streamline recordation and encoding of documents to eliminate duplicate Title maintenance.

The Department needs to consider streamlining and consolidating LTRO, BIA agency and Tribal recordation and encoding procedures. Business processes should be redesigned to record Trust transactions once, eliminating duplicate efforts and data, thus freeing resources to ensure that Trust information is maintained in a timely manner. Consolidating and integrating recordation procedures will improve the efficaciousness of Trust asset management and beneficiary services. Standards should be developed for recording leases against land use in local land records. Introduce monitoring procedures to ensure continued records maintenance at field offices. Establish maximum time limits for “encoding” land encumbrances and track performance against those thresholds. Consider developing a less formal but still standard means of documenting sole owner use and land use without permit so that all granting of Trust land use is recorded in some way—preferably at the local level—so that comprehensive land status across the Trust is known. Analyze the legal, fiduciary, and privacy impacts of allowing BIA Agencies, Field Offices and Tribes to submit digital images of records, in order to reduce the possibility of Trust records loss or deterioration while providing control over sensitive documents and assisting in administration of modifications to land use records.

4. Use staff now performing redundant functions to eliminate inconsistencies across systems and to reduce the existing workloads.

Eliminating duplicate maintenance activities should enable the Department to free experienced staff to resolve these issues. These resources can also be used to reduce the extensive workload of title-related maintenance activities created as a result of the December 5, 2001 Temporary Restraining Order and subsequent Consent Order. Other actions that can ease the title workload are addressed in Finding 6 of this section.

5. Coordinate title changes across LTRO/TSOs, BIA Agencies and Tribes.

Changes submitted to an LTRO/TSO should be accompanied by authorization documents. LTRO/TSOs, in turn, should send a change authorization to all affected LTRO/TSOs, BIA Agencies and Tribes. After receiving updated title reports indicating that changes have been consistently applied in all affected offices, the LTRO/TSO should send a change confirmation to the originating office.

6. Implement digital imaging in the field.

BIA Agencies need to create digital images of documents and perform the activities required to maintain a complete and accurate record of Trust assets, ownership and utilization. These records need to reflect all Title and utilization-related transactions that impact the subsequent use of the land or that do not expire upon the death of the grantor.

Finding 2: Acquisitions, trust conveyances, disposals and applications for ROWs are taking a long time to complete, delaying land-use transactions and resulting in missed opportunities potentially penalizing the beneficiaries.



Acquisitions, trust conveyances, disposals and ROWs currently take months or years rather than weeks to complete. These extended timeframes may increase the economic impact on beneficiaries and reduce the Department's overall ability to effectively manage Trust assets.

For example, Fee-Trust acquisitions frequently take two years or longer to complete. Much of this time is required to comply with Deputy Commissioner's memoranda requiring BIA to offer several consecutive consultation periods with state and local governments and the general public. IBIA precedent requires BIA to include the information used to evaluate Trust acquisitions in packets sent to state and local governments and other interested parties when soliciting comments. These governments and/or other interest parties frequently request extended periods of time to respond to each request, lengthening the overall acquisition timeframe.

In California, consortiums have been created to facilitate Fee-Trust acquisitions within the Northern, Central and Southern California Agencies. BIA and the Tribes have established Memorandums of Understanding in which the Tribes provide funding and BIA provides space, office supplies and supervision. The result is a group of positions that have been designated to process Fee-Trust applications and reduce the pending acquisitions workload.

Finding 2 Longer Term Recommendations

1. Adopt expedited procedures for the acquisition of fee interests in Trust parcels.

Many objections frequently raised by state and local governments and other interested parties are not relevant to these acquisitions. DOI is already managing the land, and has already accepted environmental and archeological responsibilities. BIA or the Tribe, rather than the local government, typically provides municipal services – especially for on-reservation acquisitions. The loss of tax revenue is typically negligible and may be offset by the Tribe.

2. Encourage Tribes, state governments and local governments to establish partnerships focusing on current activities and future land use plans.

The relationship between Tribes and state and local governments has a significant impact on the likelihood, effort and time required to complete fee to trust acquisitions. Developing mutually beneficial relationships should decrease the effort and time required to accomplish beneficiary objectives.

3. Consolidate state, local and public consultation periods into a single, 30-day period.

Several months could be removed from the timeframes required to complete trust transactions if notification periods were concurrent rather than consecutive. This notification would need to be issued after BIA's analysis of economic, environmental and archeological issues is complete to provide the state and local governments with an adequate justification for DOI's decision.

Finding 3: Current ROW procedures do not always ensure that beneficiaries are compensated.

Historically, beneficiaries were not consistently consulted with, or compensated for ROWs. Many DOI, state and county construction activities undertaken years ago did not apply for, nor



gain consent and approval for ROWs over Tribal Trust and individual allotted lands. These “Imperfected ROWs” result in unfunded mandates to create ROWs for completed construction activities. Imperfected ROWs also raise compensation issues that must be addressed before additional rights can be granted.

A separate ROW issue exists where ‘landlocked’ Trust parcels are surrounded by private property across which no access has been granted. Any parcel of land that cannot be easily accessed is especially difficult to manage.

In addition, DOI is not always informed when a grantee permits the secondary use of an existing ROW or easement. This is especially true for HUD housing projects and state roads construction projects. When secondary ROWs (also called piggy-back ROWs) are granted without advice to DOI, it is difficult for the Department to ensure that Trust landowners are consulted or compensated.

These historical issues impact most BIA regions. The Department, however, has undertaken region- and agency-specific efforts to address imperfected and secondary-use ROWs and landlocked parcels:

- a) The Unitah & Ouray Agency has established formal procedures for identifying and correcting imperfected and secondary-use ROWs involving access to mineral rights. These procedures have been documented in agency manuals and are used by Realty staff to correct ROW issues on a case basis.
- b) Realty Specialists in the Pacific Region have developed procedures for identifying and acquiring access to landlocked parcels.

Finding 3 Quick Hit Recommendation

Evaluate the Unitah & Ouray Agency ROW handbooks. Identify any changes required to implement similar procedures across BIA. While the U&O Agency handbooks contain references to agency-specific resources, the Department should consider using those handbooks as a starting point in developing nation-wide procedures.

Finding 3 Longer Term Recommendations

1. Ensure beneficiary consent and compensation.

The new business model needs to ensure that beneficiaries are consulted with, and justly compensated for, all ROWs, easements and mineral access agreements. DOI should consistently include language in ROW agreements to preclude any subsequent use without prior, written Departmental approval.

2. Establish a specific source of funds to address “Imperfected ROWs”.

The Department should consider setting aside funds specifically to remedy Imperfected ROWs. These funds would be used to enable the Department to maintain a complete, accurate record of Title, ensure that beneficiaries are justly compensated for the use of their lands and improve the BIA Agencies’ ability to meet Trust and beneficiary objectives. Correcting Imperfected ROWs will also reduce the overall time required to complete ROW transactions and manage Trust assets.



Title Services, Acquisition & Disposal Observations

1. As noted in Section 5.2.3.3 - Technology and Information Sharing, DOI maintains multiple, non-integrated title and title-related systems, including manual systems in many locations. While some systems (i.e. LRIS, IRMS, etc.) are used in several locations, separate software implementations are used for each BIA region and, in some cases, for different BIA Agencies within a region.
2. Title and title-related information for a single individual is often recorded in several different locations. Today, these systems frequently have overlapping and inconsistent information and DOI organizations lack the tools required to validate and coordinate title-related data on a timely basis.
3. Most BIA regions and agencies anticipate an increase in Disposals (Trust-Fee transactions). Because ILCA amendments of 2000 restricts beneficiaries' rights to bequeath interests in Trust lands, individual beneficiaries are expected to transfer Trust lands to Fee status in order to preserve their children's ability to inherit family property.
4. The December 5, 2001 Temporary Restraining Order and subsequent systems shutdown is having a tremendous negative impact on BIA's ability to meet beneficiary needs. While core systems are being re-instated, access to those systems has not been widely restored.



5.3.3 Beneficiary Services Findings and Recommendations

Finding 1: The Trust servicing activities have been operating without a clear strategic vision for the delivery of beneficiary services, adequate policy and procedures, appropriate access to computer systems containing accurate information, and without a performance measurement process. Consequently, the delivery of beneficiary services was found to be inconsistent across the regions and achieving various levels of beneficiary satisfaction and confidence. However, a number of individual locations have instituted improved methods and service levels.

There is a heavy emphasis placed on beneficiary services at all levels within DOI Trust operations. Personnel were found to be hard working and, in general, conscientiously addressing beneficiary requests. However, beneficiaries find that dealing with servicing offices is time-consuming and often the services received do not meet their needs. Unfortunately, those delivering services are often frustrated due to the demand on their time to assist beneficiaries while trying to perform other assigned duties. Due to the lack of department-wide beneficiary services policies and procedures, servicing office staff cannot always provide timely responses. They also must deal with ineffective means of accessing and obtaining accurate and sufficient information to support timely responses. For example, approximately 75% of the daily requests require a technician to conduct further research to formulate a response. Conducting research is hampered by the lack of department-wide procedures and access to a single source for accurate Trust information and requires extra time. The delay can impact beneficiary satisfaction and confidence. This is in contrast to various comparable industries, which place great emphasis and importance on customer satisfaction. These industries have beneficiary service information on-line and immediately available to service representatives. They have procedures in place, trained customer service representatives and an IT environment with reliable access to accurate information so the service representatives can focus on getting to know the beneficiaries, solve their problems and monitor their satisfaction.

To improve the delivery of services, several servicing offices, such as Farmington Indian Mineral Office (FIMO), MMS, OST/OTFM, Yakama Nation and the Salt River Pima-Maricopa Indian Community have implemented a "one-stop shop" concept. A common objective of these offices is a willingness to answer all beneficiary requests, regardless of the subject matter. Each of these offices has implemented procedures that they consider effective for achieving beneficiary satisfaction. The procedures may include documenting and tracking beneficiary requests, beneficiary service specific personnel, outreach activities, information kiosks, rapid data retrieval systems and beneficiary satisfaction surveys. The systems used for documenting and tracking the requests also store the beneficiary satisfaction results that provide performance measurement information used to improve the delivery of services as well as beneficiary satisfaction. There is little consistency or standardization of these improved procedures across other servicing offices.

The majority of servicing offices have initiated some capability for documenting and tracking beneficiary requests. Sign-in sheets, planning calendars and individual activity logs are often used to support these functions. A few offices use automated spreadsheets and databases to collect this information, however, in most of the offices this tracking is paper-based. In addition, the majority of the current tracking methods do not support an analysis of the beneficiaries' requests.



Performance measurement metrics for the most part, measure output activity and timeliness of responses rather than measuring outcomes or customer satisfaction. This type of information would be useful in gaining an understanding of future needs. However, there are few, if any, beneficiary satisfaction collection activities performed by these offices. Several offices do perform telephone follow-up on a time available basis resulting in beneficiaries receiving inconsistent levels of service from one office to another.

Frequently, the initial servicing office must transfer or request information from another DOI agency or an external organization. Even though the request is transferred, the original servicing office is held accountable for the response. The lack of an end-to-end tracking capability across organizations limits the servicing office's ability to provide proactive support to the beneficiary or requestor.

The inconsistent delivery of Trust services may have a negative effect on the beneficiaries' confidence in the Department's ability to deliver Trust services. The lack of a single point of contact for beneficiaries is inconsistent with commercial trusts and other leading providers of customer service. Beneficiaries do not have a clear understanding of the Department's operational policies and procedures; therefore, they must contact different organizations and personnel in order to obtain a response to a request. In many cases, the beneficiary contacts a person whom they are familiar or calls a telephone number that they have been successful with at obtaining information in the past, regardless of the request subject matter. This adds to the inefficient operations within the Department, which affects the quality of service delivery.

It should be noted that the *Comprehensive Trust Management Plan* has identified beneficiary services as one of its six strategic goals. High quality beneficiary statements, services and communication have individually been established as objectives under this goal. The recommendations below are aimed at building on this important directional start.

Finding 1 Quick Hit Recommendations

1. **Develop the existing beneficiary services strategic objectives that are contained in the draft DOI *Comprehensive Trust Management Plan* into policy and procedures that can be implemented across the Department.** Part of this exercise is to develop performance measurements based on outcomes, rather than outputs. While this is presented as a quick hit, the policy, procedures and performance measurements provide a "building block" for the longer-term solutions.
2. **Perform a brief analysis of the tracking system currently being used by MMS.** Determine its practicality to serve as a candidate for implementation in all servicing offices. Analysis should mainly be based on functionality for fulfilling the Indian Trust Strategic Objectives, ease of use and implementation cost. The implementation plan for this would need to address appropriate training and the elimination of current manual processes. A data capture system "backend" will need to be developed to collect performance measurement metrics and present them in a meaningful manner. The performance measurement information can be used to monitor the delivery of beneficiary services and to help determine the workload requirements for the delivery of "one-stop" beneficiary services.
3. **Use the BIA Eastern Navajo Agency and FIMO as models to establish an early "point of contact" for beneficiary services within each servicing office.** The Real Estate Officer at

the BIA Eastern Navajo Agency took the initiative to appoint a Realty Clerk to serve as the Public Contact Person. This “single point of contact” has proven to be very successful in providing services to beneficiaries and non-beneficiaries while reducing the workload on program specialists, thereby increasing their efficiency. FIMO uses a similar “point of contact” by having designated staff receive telephone calls and walk-in inquiries with detailed requests being referred to program specialists. By using these two models, an early “point of contact” capability can be established in other servicing offices. This early contact capability can help determine an operational concept for the delivery of “one-stop” beneficiary services.

4. **Develop beneficiary service training modules and appropriate informational materials.** Training and information materials should be specific to beneficiary needs and priorities, such as instructions on “who to contact” or “where to look” for help in resolving Trust issues and concerns. The strategy for implementation should consider the inclusion of these training modules with existing out-reach activities as well as the Beneficiary Consultation Model (see Finding 4 of this section), which is a long-term recommendation. The training should be developed in modules that lend themselves to a variety of implementation methods.

Finding 1 Longer Term Recommendations

1. **Develop a common, standardized beneficiary services support system.**

Servicing office staff needs reasonable access to information required to satisfy requests with accurate and timely responses. The major system components that should be considered include:

- a) Data store containing beneficiary information and related title, realty, probate and accounting information and responses to previous requests. This information is required to formulate timely responses that are accurate and consistent (see Section 5.2.3.3 – Technology and Information Sharing).
- b) User interfaces which employ the most current technology, such as “touch screens” for data access, entry and update so less time is required to find and maintain information, as well as providing the foundation for use by beneficiaries.
- c) Beneficiary request and tracking and performance metric capture capability to proactively support customer relationship management. This system should also be able to show any prior beneficiary contact and the resolution of that contact. It should also have the capability for pattern analysis and management monitoring reporting.
- d) Training for DOI and supporting communications for the beneficiaries to enhance positive interactions with the beneficiaries and/or requestors.
- e) Expansion capability so later in the implementation phase, beneficiaries may have reasonable access to their own account information, thereby reducing the number of requests from beneficiaries. For example, the Yakama Nation developed a kiosk capability for beneficiaries to access their land record information.
- f) Provide a cross training program for each servicing office staff so backup support is readily available when needed. The FIMO cross training program should be considered for implementation at other servicing offices.



2. Establish a “Beneficiary Service Center” to receive initial beneficiary or requestor contact.

The service center (also referred to as a call center) should be based on the “one-stop” concept for inquiries pertaining to all Trust-related activities within DOI. The overall goal of the center is to provide beneficiaries and requestors with timely and accurate responses to their requests. To achieve this goal, the center(s) staff will need to have rapid access to complete and accurate Trust information. The center will improve relationships between DOI and beneficiaries by:

- a) Providing beneficiaries access to “front line” Trust service specialists
- b) Leveraging the Department’s current efforts to implement a common architecture and Trust data store
- c) Ensuring that a timely and accurate response is delivered to each request
- d) Addressing all requests, including those that cross DOI organizations and business processes
- e) Documenting beneficiary requests into automated call logs and tracking all requests to ensure that a timely response was issued and that beneficiary satisfaction was achieved
- f) Retaining prior contact information to ensure that beneficiaries are not repeatedly being faced with the same or similar issues
- g) Performing pattern analysis to uncover and address recurring beneficiary issues
- h) Evaluating beneficiary feedback and the quality of service
- i) Engaging various communication mediums to ensure that all beneficiaries have access to the center
- j) Planning future capability for beneficiaries to have reasonable access to their respective Trust-related information

There are several architectures available to implement a nation-wide service center; ranging from totally centralized to totally decentralized. Since the center must support the delivery of beneficiary services nation-wide, consideration should be given to a distributed network or virtual type service center. The distributed network architecture allows decentralized regional, agency or Tribal data stores to be connected to a centralized data repository. Trust data could be downloaded to the decentralized data stores (nodes) several times a day, providing the decentralized servicing staff access to Trust information that is relatively current. The staff and data stores located at the decentralized nodes could provide backup to each other during periods of peak request loads. Telephone calls could also roll to other nodes or to the central office when called telephone numbers are busy. This architecture allows the decentralized staff to continue providing face-to-face contact with many of the beneficiaries.

Consideration should also be given to a “tiered” approach within each node and central office for delivering Trust services. The first tier level staff should be able to answer 80-90% of the requests, with the other 10-20% being assigned to second or if necessary to a third tier level staff. The staff at each second and third tier would have more specialized skills to address the more complex requests. This concept would allow the servicing office (first tier) closest to the beneficiary to respond first. Since the closest office is connected to a network, any help required from the second and third tiers to resolve the request could be obtained from throughout the network. The person receiving the request would “own” the response and would ensure that the

requestor receives his/her response. This would also alleviate the need for the beneficiary to call multiple areas.

Future expansion should consider providing an interactive e-government capability, which allows beneficiaries to have access to their Trust information. This allows the beneficiaries to answer some of their own requests and reduce the “front line” daily workload.

The following diagram presents a high-level view of the distributed network.

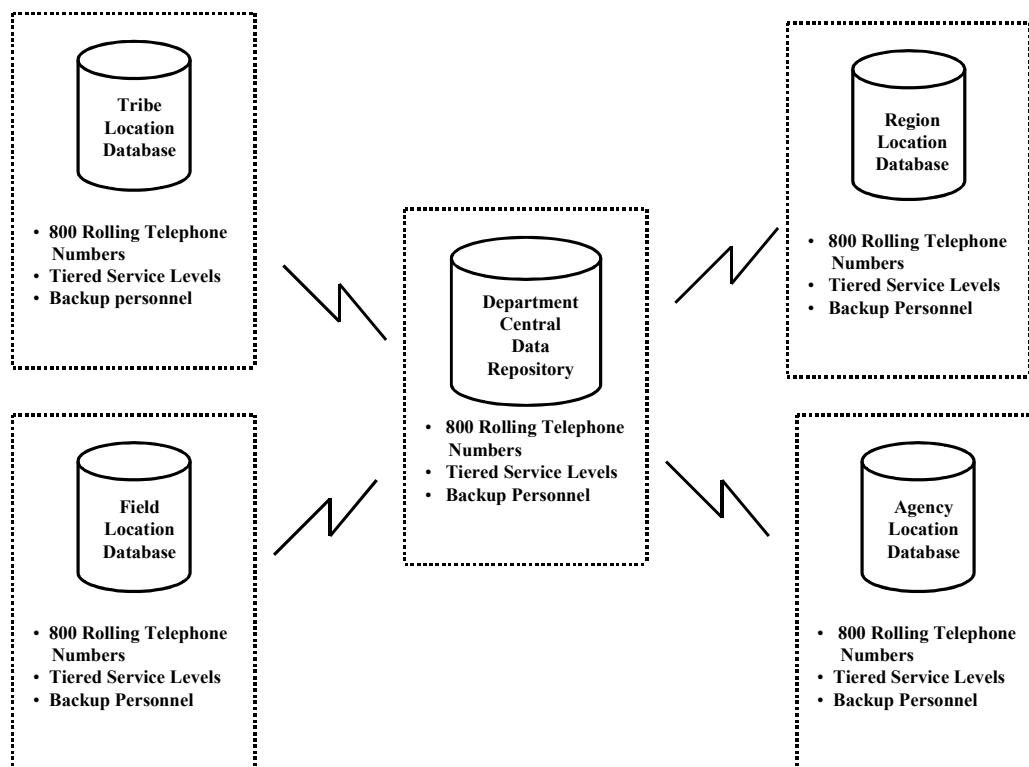


Figure 5.3.3- 1 Distributed Network High-Level View

Finding 2: Beneficiaries are having trouble interpreting and understanding their account statements, oil and gas statements and other Trust-related reports. Beneficiaries find the current codes confusing and consequently, they do not understand what money is being received from specific Trust assets.

There are initiatives underway to remedy this problem, but the beneficiaries continue to not understand the source of their Trust distributions. This confusion results in a significant increase in requests for explanations received immediately following a Trust asset distribution. Descriptive explanations, using terminology that the beneficiaries understand, need to be provided along with any Trust related documents. The beneficiary training for the revised



statements format should be part of the overall Department training program and outreach activities.

Finding 2 Quick Hit Recommendation

Assemble an interim working group to simplify beneficiary statements. To improve the efficiency of services provided to Indian beneficiaries and decrease the difficulty beneficiaries have with interpreting statements and reports, an interim working group should be assembled to simplify the statements so that they are useful to the beneficiary. The working group should have beneficiary representation. An examination of statements and nomenclature used in the commercial trust industry would be beneficial in designing the Trust-related statements.

Finding 3: The MMS Indian Compliance and Asset Management (ICAMs), OST/OTFM and FIMO outreach programs have been very successful in providing beneficiaries with information.

These outreach activities are usually tailored to meet the needs of the local beneficiaries. Enhancing and extending the current outreach programs is an opportunity to improve the trustee-beneficiary relationship and build beneficiary confidence.

Finding 3 Quick Hit Recommendation

Use the experience gained from the MMS, FIMO and other outreach activities to broaden them into department-wide outreach activities. The existing activities should be enhanced to include additional Trust related topics and to include participants from BIA, MMS, BLM, OST, OHA and OST/OTFM. Participation in the planning and implementation of future department-wide activities should also include BIA, MMS, BLM, OST, OHA, OST/OTFM, as well as beneficiaries. It is particularly important for BIA Realty staff and OST/OTFM staff to participate in outreach program activities because the majority of beneficiary inquiries concern land record and account information. Particular attention will have to be paid to the implementation of outreach programs in Alaska where beneficiaries are in remote locations and outreach events are dependent upon the seasons.

Finding 4: There is insufficient communication between DOI and the individual Indian beneficiaries.

Roles and responsibilities of each party are misunderstood. The beneficiaries feel that they do not have enough participation and are not part of the decision process for actions that have an affect on the asset management of the Indian Trust. This has caused the relationship between the parties to be less than a partnership and not conducive to the effective management of the Trust.

Finding 4 Longer Term Recommendation

Develop a Beneficiary Consultation Model to enhance the partnership between DOI and beneficiaries and help accomplish the Department's strategic objective to be more beneficiary-focused.

DOI consultation with beneficiaries is mandated by Executive Order 13175 and provides the opportunity to cooperatively interact and share decision-making. For example, implementation of the Department's *Comprehensive Trust Management Plan* will require a high degree of cooperation and coordination between all entities and activities if the Plan's goals and objectives are to be achieved successfully. Development of the Beneficiary Consultation Model should begin with a review of the current Tribal consultation programs already in place, such as the US Fish and Wildlife Service and the USDA Forest Service models. Additionally, the US Forest Service community relations model should also be examined.

The following diagram presents a high level approach for developing a Beneficiary Consultation Model. However, a major point for consideration is that beneficiaries traditionally prefer face-to-face contact, which may make the use of written surveys and telephone calls ineffective. Additionally, the use of technology may need special attention to ensure its acceptance and effectiveness. While beneficiary involvement and ownership are critical to trust reform, success of the Consultation Model will depend heavily upon the frequency of consultation. When interaction is increased, communication channels, feedback and responsiveness to beneficiaries should improve throughout the Department.

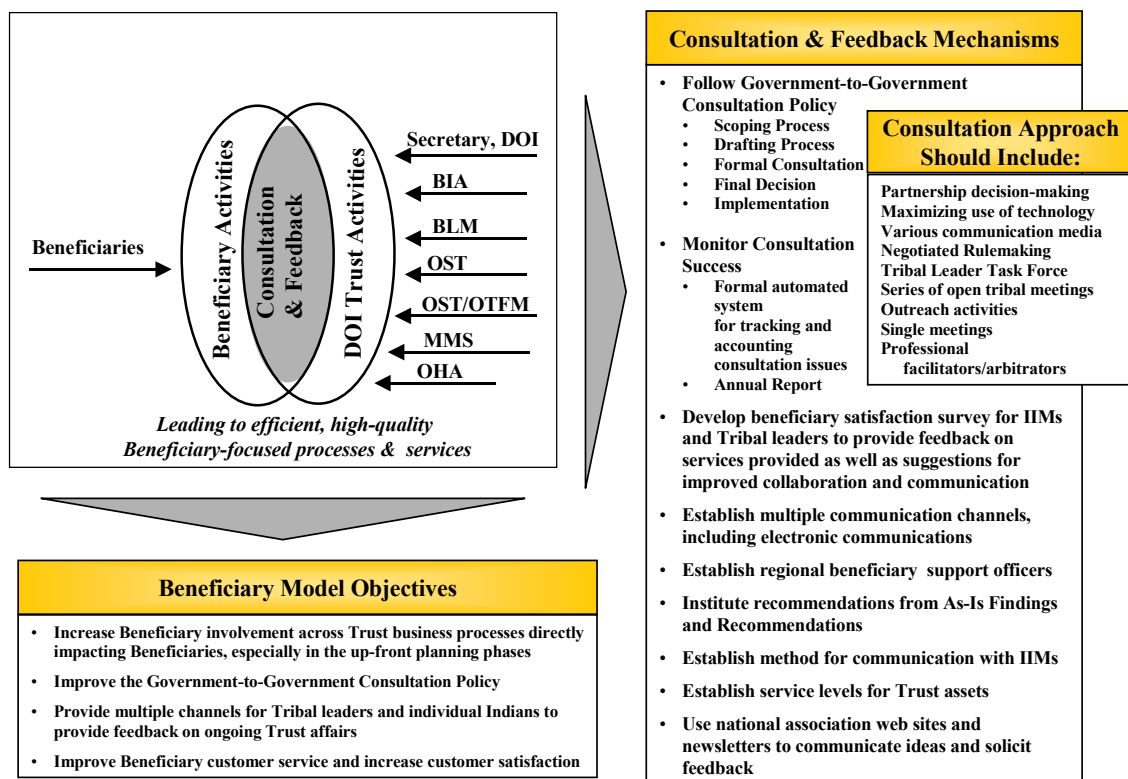


Figure 5.3.3- 2 Beneficiary Consultation Model High-Level Approach

Beneficiary Services Observations

1. Many beneficiaries live in rural areas without access to telephone and electrical accommodations, which forces them to travel to servicing offices. Due to the size of the

service area and the geographic location of the servicing office, the distance that beneficiaries must travel can be a hardship and can delay the provision of services, particularly when beneficiary follow-up is required. The distances between DOI offices can also delay the provision of services when documents have to be forwarded for approval by the delegated authority in another location. Climate and other environmental factors can also limit the provision of services to certain times of the year with long intervals between favorable conditions. . In addition, there are beneficiaries who have Trust assets living in major urban areas without direct contact to servicing offices. They are faced with a similar dilemma in receiving Trust services.

2. Most servicing offices receive both Trust-related and non-Trust-related requests. The distinction between the two types of requests sometimes unclear to the beneficiary and even to DOI staff. These offices also respond to local, county, state and federal government entities, the general public and Indians who may be future beneficiaries. In addition, congressional inquiries may be received if a constituent (beneficiary or non-beneficiary) contacts his or her congressman about being dissatisfied with services provided. Therefore, many servicing offices act as public service providers even though they only receive funding for program-specific tasks. Responding to the non-beneficiary requests occasionally impedes timely response to beneficiary requests.
3. There was an expressed need for additional training for both servicing office personnel and beneficiaries. The work session participants emphasized the need for standardized technical training at the entry, intermediate and advanced levels and customer relationship management training for service office personnel. Training is also required to help the beneficiaries understand the Indian Trust, how to receive services and to understand their account statements. (See Section 5.2.1.3 - Training and Resource Management for further comment.)
4. The MMS Indian Compliance and Asset Management (ICAM) staff has implemented a document tracking system, which allows staff and managers to verify that responses have been made to beneficiary requests. In addition, the system provides managers the capability to quantify the types of requests or problems received and track the progress being made towards resolution. Most importantly, the summary statistics on the frequency of problems and length of time required to respond can be used to identify impediments to trust business processes. The MMS ICAM staff stated that its experience to improve the relationship with beneficiaries has been based on their ability to have frequent contact and to provide honest, straightforward, accurate and timely responses to the beneficiaries' request. This frequent contact, along with access to the information stored in the tracking system, has allowed the ICAM staff to know many of the beneficiaries by name and their respective needs, which has greatly improved the delivery of services and more closely modeling beneficiary services provided in the commercial world.
5. To improve the services provided and increase beneficiary satisfaction, some servicing offices make direct beneficiary contact through formal outreach programs. Servicing office staff uses these opportunities to provide information and answers to questions. Current outreach opportunities include use of scheduled meetings, advisory boards, committee participation, radio programs, setting up booths at trade shows and publishing notices in Tribal newspapers and on Tribal web-sites. The visibility gained by attending Pow-Wows and other public events is an excellent opportunity for informing both Indian beneficiaries and the general public about Trust programs and services.



5.3.4 Appraisal Findings and Recommendations

The recommendations and findings recorded in this section apply to those instances when a certified appraiser conducts an appraisal on Trust lands, produces an appraisal report or reviews a 3rd party report and certifies his or her findings in accordance with the Uniform Standard of Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standard for Federal Land Acquisition (USFLA). Surface or subsurface asset valuations are an input to the property appraisal. On June 20, 2002 BIA authority to perform Trust appraisals was revoked and the Office of Appraisal Services (OAS) was transferred to OST by Department of the Interior Secretary's Order 3240 dated March 12, 2002. The move was made to eliminate any perceived and/or potential conflict of interest between an appraiser and BIA or Tribal Realty Officials.

Note: Additional findings and analysis can be found in the *DOI Trust Reform, Final Report and Roadmap* dated January 24, 2002.

Finding 1: OAS appraisal requests are received on an ad hoc basis and there is little screening and prioritization of the requests making workload planning difficult and producing service backlogs. As a result, many transactions involving Trust lands cannot close within a reasonable timeframe.

The present OST/OAS approach to producing appraisals in response to tract-by-tract specific requests raises significant issues. A recent report concludes that approximately 40% of all appraisals completed were not utilized; but at the same time, appraisers are aware of instances in which they believe appraisals or appraisal reviews should be requested but have not been submitted for service in the past. For example:

- a) Under current practice and procedure, Tribes that lease Trust land for homesites should be requesting appraisals, even if the lease will be written for \$1 over 25 years. Tribes believe that requesting appraisals associated with these leases would slow down transaction closings significantly, thus formal appraisals are often not requested.
- b) Some Agencies and Tribes are issuing long-term permits when a negotiated lease would be a more appropriate land use instrument because permitting does not require an appraisal to be produced before the transaction can be completed.
- c) Tribes and Agencies are holding back their requests because they know the OST/OAS Regional Office already has a substantial backlog. In the Rocky Mountain Region, staff estimates it often takes six to nine months to sell land because of their appraisal backlog.

Although elimination of the appraisal request backlog was identified as a key objective of HLIP 4, and teams of appraisers from across the 12 regions have been periodically dispatched to deal with a backlog that develops in a specific region, little substantive progress has been made in preventing the cause of backlogs from reoccurring. Many Regional Appraisal Offices also have to react to seasonal demand for reports that balloons mid-July through year-end as Realty Officials prepare for annual lease renewals.



Finding 2: Appraisals are not completed in concert with development of land use plans as in commercial trust operations.

In each region, the OST/OAS appraisal process begins with the receipt of a request, usually in a BIA or Tribal Realty Office, for an appraisal report or review associated with a business transaction. This approach is in contrast to commercial trusts that appraise land regularly, approximately every three years, as a routine course of business rather than in response to a specific request on a specific tract.

Two regions currently use an approach similar to the commercial model and produce large tract appraisals or studies and then generate lot-specific reports from that information:

- a) In the Great Plains Region, the Regional Appraiser inputs and updates appraisal factors (market rents, cap rates, land productivity, etc.) in the MAD system for each agency in the region annually. He or she then signs an Agency Report indicating the factors have been tested and the resulting owner values are credible. The majority of the region's appraisal budget is transferred to BIA Agency Offices, so when an appraisal need arises, an agency staff person can input allotment information and the owner or owners' identification(s) into MAD, which accesses ownership and lease information from its databases, calculates each owner's land value and produces the appraisal report(s).
- b) In the Midwest Region, much of the Trust land is lakeshore property and the "highest and best" use of that land is residential or recreational. The Regional Appraisal Office performs an annual fair rental appraisal of the land and beneficiaries can then lease the land for residential or recreational use at the established value. In response to specific tract appraisal requests, the Appraisal Office creates restricted use reports from the annual mass appraisal. This conforms to USPAP Standards 4 and 6 (mass appraisals, market approach).

Findings 1 and 2 Quick Hit Recommendations

1. **Provide standardized appraisal training.** BIA Agency Superintendents, Realty Officials and all staff who deal with land valuations should attend an appraisal principles course in order to better understand basic appraisal terminology, the appraisal process, and the volatility of the real estate market. The recently commissioned OST/OAS Appraisal Handbook team is recommending that a training manual be developed that will aid BIA staff in the completion of an appraisal request form; and similarly, one Regional Director is pursuing the possibility that the American Society of Appraisers design a course that would include an introduction to automated valuation methodology (AVM) and an understanding of basic market economic principles.
2. **Prepare Realty Officials to perform administrative reviews.** With proper training, BIA/Tribal Realty Officials could perform administrative reviews where appropriate which decreases the time needed to deliver an approved appraisal report to the requestor.
3. **Create a beneficiary appraisal service survey.** Appraisers need to hear what Superintendents and Realty Officials learn from beneficiaries about satisfaction of the appraisal service provided.



Findings 1 and 2 Longer Term Recommendations

1. **Differentiate between types of land transactions and identify the appropriate vehicle for determining asset value for each type.**

Establish appraisal thresholds for leases on Tribal lands. Current practice dictates that every business transaction involving Trust lands requires an associated appraisal. While a sale or acquisition may require a formal appraisal report, a land use transaction, such as a lease, may not in most cases. If DOI begins to differentiate between types of transactions, the number of OAS appraisal requests could significantly decline, thus reducing the backlog and assigning appraisal priority to complex, high value transactions.

Appraisal requests should be tracked by type of transaction each appraisal supports (lease, sale, probate, conveyance, other), the dollar size of the transaction, the type of report required and/or the urgency of transaction close. This practice would provide a better tool for management planning and a potential indicator of required staffing levels.

2. **Develop a land use strategy that includes a schedule of appraisals or studies at regular intervals, approximately every one to three years, that maintains current values on all Trust property.**

The problem lies with implementation of such a strategy, with the appraisal resources currently available. For example, the option to stop servicing transaction-related requests for a period of time so that OST/OAS can institute a new proactive approach is not tenable. However, DOI could start using this approach on a prioritized or selective basis when analysis indicates the results will be viable. The strategy could then be a model for other areas.

Finding 3: The appraisal metric currently in place does not accurately reflect beneficiary service or performance of the appraisal process.

The measurement in place that classifies an appraisal as backlogged is that appraisal request-to-delivery exceeds 90 calendar days. Most Regional Appraisers agree on three primary concerns about the measure:

1. The timeframe remains the same if the service request is for preparing a complete appraisal report or for reviewing an appraisal report already completed.
2. While it is appreciated that 90 days was a best effort at identifying a common measurement point, most appraisals are unique enough that no one timeframe is accurate in the majority of cases.
3. Appraisal requests are often submitted in large batches by Realty Officials, especially during the lease renewal season. Under the current measure, all the appraisals in the batch are due on the same date. In other words, seasonal fluctuations in workload have no impact on the measure.

Although this measure is often an inaccurate indicator of service delivery and an ineffective workload management tool, these backlog volumes are included in the court quarterly report. As a result, approval for an adjustment to the measure could be time consuming.



Finding 3 Longer Term Recommendation

Revise the appraisal performance management measure.

The measure currently in use lends itself to management by output rather than management by objective. As an indicator of beneficiary service, it is reasonable to monitor the appraisal process from a beneficiary's perspective; i.e., from the date a request is made in a BIA, Tribal or OST/OAS Office to the date appraisal information is shared with that beneficiary, normally by realty or agency staff. This would measure elapsed time for the process end-to-end. Currently, the starting point for the measure is the date a request forwarded by BIA or a Tribe is received in the OAS Regional Office, and the end point is the date the appraisal is returned to the requesting office.

For performance measurement purposes, it would be most appropriate to let the Regional Appraiser set the deliverable date for a specific appraisal based on the nature of the request, and backlog the appraisal if that date is exceeded. A significant factor to be considered in setting the deliverable date should include the complexity inherent to the region, such as land type, marketing conditions, time needed to build an accurate comparables database and the currency and accessibility of existing information. This approach would more closely conform to project management practice.

At a minimum, the Office of Appraisal Services should be measured on a 90-day clock that starts from the date a request is assigned to an appraiser, rather than the date a request is received in the Regional Appraisal Office, because many requests are still incomplete on the date received.

Finding 4: The use of contracted appraisers has not delivered successful results in many regions.

As noted in Chapter 3, "Most commercial trusts do not consider it a fiduciary duty to value assets internally, and instead contract this service when needed rather than maintaining their own staff." Although contracting the majority of appraisal work could be effective for Trust management as well, many Regional Appraisal Offices, Tribes and BIA Agency Offices have tried using contractors to perform a significant amount of their appraisal work and have not been successful because they cannot hire fee appraisers who can complete accurate, timely appraisal reports on Trust lands. This finding is substantiated by the following experiences related during the regional work sessions:

- a) Many contractors do not have the requisite knowledge of the unique Tribal laws and/or state and federal legislation that affect the determination of a value on these tracts.
- b) One agency hired contract appraisers, and when no reports were forthcoming, the contractors explained that they were denied access to the necessary DOI files.
- c) One Tribe contracted the appraisal process and intended to use contract appraisers. They could not find any appraisers interested in the work because the Tribe's location is so remote.
- d) The Tribes in one region that have contracted appraisal services report they have not been allocated enough money to pay contracted appraisers to produce all the appraisal reports required by that Tribe and its members. In contrast, if they had not contracted the service,



OST/OAS would be required to deliver all the reports requested, whether there was adequate funding or not.

There are some notable exceptions. The Great Plains Region contracts for as many as 85% of the appraisals completed. And the Pacific Regional Appraiser has been successful employing an operations model that contracts out nearly 100% of the requested appraisal reports. The fee appraisers are hired by Tribes, individual Indians, OST/OAS, municipalities, or other BIA and Tribal programs; and the Regional Appraiser performs the appraisal review. The land base in this region is small and comprised primarily of small tracts used for homesites, which probably contributes to the success of the approach. Additionally, one Tribe in the region that has contracted appraisal services has found an innovative way to supplement the money allocated to them: A fee is collected for every transaction that requires an appraisal and the Tribe uses those funds to compensate a staff appraiser. The practice of charging service requestors is not available to OST/OAS.

Finding 4 Longer Term Recommendation

Develop improved processes for the assignment of appraisal work to contracted appraisers or find alternative solutions to service appraisal requests.

Fluctuations in the demand for appraisal services will remain a factor, and can often be best accommodated by supplementing staff with competent contractors. Given the difficulty most regions have encountered when trying to hire an adequate number of fee appraisal with the requisite knowledge to produce reports on Trust lands, within the funds available, OST/OAS needs to address the problems previously encountered. The Regional Appraisers meet frequently, and because they are the most qualified people to resolve the issue, resolution to the obstacles encountered when using contractors should be a high priority topic for discussion at their sessions. Some process improvements to review might include ways to assist fee appraisers in obtaining the necessary information security clearances, or offering informational seminars to acquaint contractors with the unique conditions that must be considered when completing appraisals on Trust lands.

Additionally, OST/OAS should pursue alternative solutions to meeting the need for Trust appraisal services. Some suggestions include:

- a) Offer summer appraisal internships to college students to entice them into the field. Educational grants in exchange for years of service could also be offered. It would be important that interns be co-located with staff that could serve as mentors.
- b) Work in partnership with Tribes to identify candidates with post-high school degrees. OST/OAS could provide the training and on-the-job experience required for appraisal licensing. The appraiser could then continue working for the federal government, work for his or her Tribe or work as an independent appraiser qualified to contract services back to OST/OAS. Some regions and agencies already have Indian trainees. Those with experience suggest such a program works best in centralized locations so that trainees can interface regularly with mentors.

These suggestions would also help those regions that are finding it difficult to hire competent appraisers from outside the government. Currently, vacancies are frequently filled by transfer from other appraisal programs or agencies such as Fish & Wildlife, Forest Service, Bureau of Reclamation and Bureau of Land Management. Another growing concern is that 47% of the



OST/OAS staff appraisers are eligible for retirement within the next four years, resulting in the need to hire replacement as well as augmented staff.

Appraisal Observations

1. Some Regional Appraisers anticipate an even larger volume of appraisal requests in the near future. For example, as beneficiaries in Alaska get title to their land, appraisals will be required before business transactions involving that land can be completed. Additionally, OST/OAS appraisers believe that the demand for appraisals on Trust lands will increase in general as more beneficiaries use their allotted lands to support a cash rather than a subsistence economy. Similarly, the enactment of the ILCA legislation should also affect an increase in demand as consolidation of fractionated interests increases.
2. Differences in Regional Appraisers' opinions on what constitutes a valid appraisal and what does not need to be reconciled. However, it should be noted that an appraiser is required to personally certify his or her report and the approach used to determine land value and the report form used is at the discretion of the appraiser, as long as the result is in accordance with USPAP standards.
3. Regional Appraisers disagree if buildings on Trust land should or should not be included in the appraisal report. Some believe that if the building is permanently affixed to the land, it should be valued in the real estate appraisal, no matter who owns the structure. Other appraisers believe that leasehold improvements, such as HUD houses, should not be included in the real estate property appraisal because the landowner is not the owner of the structure. In yet other instances, the appraiser leaves the decision to include or not include buildings up to the report requestor. Although the regulation was not produced for review, it has also been suggested that there is a notation somewhere in the federal regulations that denotes all buildings on Trust land as personal, not real property. If that is the case, buildings should be appraised using USPAP Standards 4 and 5, not Standards 1 and 2 that apply to real estate property appraisals.
4. There is no procedural continuity from one contracting office to another. Appraisal contracting should be standardized and the roles and responsibilities for the Regional Appraiser and the Contracting Official should be defined. This issue is being addressed in the revised Appraisal Handbook.
5. A conflict of interest could exist if an individual Indian or Tribe requests an appraisal and the Tribe has also contracted appraisal services. During the regional work sessions, the As-Is Team observed two related instances: (1) A Tribal Realty Official is also the Tribal Appraisal Reviewer and (2) The Tribal Appraiser is paid with both Tribal and Trust funds. A conflict of interest could exist since the appraiser would be working for both the buyer/lessee and seller/lessor in most instances. Although the Secretary of the Interior has identified this potential conflict, there is no self-governance or contracting regulation that disallows the practice.
6. OST/OAS and BIA need to determine who is the official appraisal record keeper; i.e., is it the Regional Appraisal Office or a BIA Agency Office. The official record keeper should store all copies of appraisal reports and work files and be responsible for reconciling BIA and OST/OAS tracking logs. Currently, this role and responsibility varies from region to region.



5.3.5 Surface Asset Management

5.3.5.1 Forest Management Findings and Recommendations

Finding 1: Forest Management Deductions are not collected and/or used consistently across BIA regions. These deposits are used for planned forest development and protection activities.

The United States Code 25 USC 3105 and the associated regulations in 25 CFR 163.25 establish the requirement for a reasonable deduction to be taken from gross proceeds of sales of forest products harvested from Indian forest land. The purpose of the Forest Management Deduction (FMD) is to provide funds to cover in whole or in part the cost of managing and protecting such Indian forestland. As a condition of harvesting forest products under a timber sale contract, permit and other agreement on Indian lands, the FMD is to be collected as a percentage of revenue of the sale (normally 10% of gross proceeds) and ultimately returned to the beneficiary or used by BIA, specifically for forest management, on the Trust land from which it was derived.

The FMD enhances total forest management resources and provides essential budget dollars to Tribes for Trust forest management activities. Regulations state that, barring a waiver granted by the Secretary, the FMD must be taken from forest product sales generating \$5,001 or more in gross proceeds. The deduction from the proceeds is to be routed to OST/OTFM, accounted for as Tribal Trust revenue and set aside in a FMD account for the Tribe's forest management program. The FMD must be utilized according to expenditure plans approved by both the Tribe and the Secretary. The expenditure plans describe the anticipated forest land management activities, timelines, expenditures and the payment method through which funds may be transferred or credited to Tribal accounts from the special deposit account holding the FMD.

Interpretation of the regulation is frequently inconsistent. For instance, certain Tribes in the Eastern Region do not segregate FMD from Direct Pay payments and precludes funds from being deposited into a FMD account. In the Northwest Region, one Tribe calculates FMDs on appraised value rather than actual proceeds from a timber sale, and forwards FMD funds to OST/OTFM only on a quarterly basis. In the Rocky Mountain Region, one Tribe collects the FMD on sale amounts of less than \$5,001, and maintains the funds in a Tribal account without OST/OTFM oversight. Some Tribes collect the deduction but may not use it for its intended purpose, while others do not segregate the FMD from the gross proceeds at all.

Finding 1 Quick Hit Recommendation

Enhance policy statements and related procedural manuals to be more specific regarding the FMD process, requirements and timelines. Updated policy and procedural documents should emphasize the expectations for collection and use of the deductions. In addition, parameters for expenditure plans should be reiterated. In the Pacific Region, the Tule River Tribe and Round Valley Tribes have, with approval of the Secretary, increased FMD percentages, enhancing the total regional forest management resources and providing essential budget dollars for Tribal forest management activities. Best practices within Tribes should be communicated to support the need for, and positive impact of, the FMD requirement.



Finding 1 Longer Term Recommendation

Enhance the 25 CFR 163.25 regulations to be more specific about procedures and requirements of collecting FMDs.

It was reported that many critical forestland management activities are dependent on FMD funds. Stricter monitoring and oversight by DOI should be performed to ensure enforcement of the regulation provisions regarding collection and expenditures of these funds. Monitoring programs could be established to track timber sale and FMD collections, as well as expenditures of those deductions against mutually agreeable plans approved by the Tribe and the Secretary.

Finding 2: Direct Pay scenarios raise significant accountability issues.

In an effort to increase the speed of payments to beneficiaries, 25 USC 3107 and 25 CFR 163 address the concept of gross proceeds payments from forest product sales directly to Tribes. Further discussion of the issues introduced by Direct Pay scenarios for Indian Trust programs may also be found in Section 5.2.3.1 - Broad Trust Management and Asset Use Stewardship.

Official requests for direct payments into Tribal accounts may be made to the Secretary for many kinds of forest product sale payments, such as bid deposits, advance payments on estimated timber value, or FMDs. Direct payments are only authorized by the Secretary's approval upon the request of a Tribe. (Individual allottees may not receive direct payments from forest product sales.) For direct payments, the Tribe must designate either an escrow account at a Tribally-designated financial institution or a Tribal depository account. In order to maintain fiduciary responsibilities, the direct payment regulations dictate that all Direct Pay scenarios must provide for "written verification that all required deposits, payments, and disbursements have been made." Direct Pay is widely employed for forest product sales on Tribal lands; however, a weakness exists in the Secretary's ability to verify the accuracy of payments and disbursements.

A specific procedure, format, and schedule for written verification of the appropriateness of a purchaser's payments and the subsequent disbursement of those funds are not delineated in the regulations. In the Pacific Region, the BIA forestry program has entered into Memorandums of Understanding (MOUs) with the Yurok, Tule River and Round Valley Tribes regarding direct payment verification, and this has enhanced the DOI Line Officials' ability to ensure that federal Trust responsibilities are being met. The Trust Principles established in the 2000 DOI Departmental Manual state that the Department has a Trust responsibility to "*confirm that Tribes [that manage Indian Trust assets pursuant to contracts and compacts]...protect and prudently manage Indian Trust assets*". Appropriate and timely information regarding direct payments is exchanged in much of the Western Region. However, there are a significant number of instances where Direct Pay arrangements have been made by Tribes, without providing for adequate DOI oversight. Staff from the Eastern, Midwest, Northwest and Rocky Mountain Regions have expressed such concern.

In Direct Pay scenarios, uncertainties often exist regarding receipt of advance or bid deposits, gross proceeds of forest product sales, and ultimate disbursement of proceeds to interest-owners. Some Direct Pay scenarios exist without memoranda in place between BIA and Tribes, or with informal agreements regarding DOI oversight. Uncertainties pose a risk to the Secretary's



fiduciary responsibility to both Tribes and individual Indian account holders. For further discussion of account holders' rights protection, please refer to Section 5.2.3.2 - Communication and Fiduciary Role.

Finding 2 Quick Hit Recommendation

Consult with Tribes to enhance policies and manuals. The enhancement should include clear and specific roles, procedures, formats, reporting and schedules for Line Officer oversight of both Direct Pay programs and Compacted or Contracted Tribal forestry programs. Fiduciary obligations for DOI oversight can be included in a standard Memorandum of Understanding that articulates how and when DOI and the Tribes must collaborate in order to promote self-governance without putting at risk the Line Officer's obligations to the Trust.

Finding 3: Some Compacted and Contracted Tribal forestry program processes raise significant accountability issues.

Forestry program revenue accounting and forest product sale contract compliance procedures and regulations have not been finalized relating to new Compacted and Contracted Public Law 93-638 amendments. Ambiguity exists in the code and the regulations are incomplete. As a result, DOI field personnel must interpret and comply with the contracts as best they know how. Because of the sensitivity of the relationship between BIA and Compacted or Contracted Tribes, Line Officials often hesitate to demand thorough accounting and contract compliance documentation.

The size of the compacted and contracted activity in forestry is substantial. 31 self-governance Tribes operate their entire forestry program and six Tribes operate a portion of their forestry program. 26 Tribes have PL 93-638 contracts for operating their entire forestry program and 28 have PL 93-638 contracts for operating a portion of their forestry program.

Many Tribes have excellent forestry programs and good relationships with BIA forestry staff, but information flow between Compacted or Contracted Tribes and BIA is not always handled in a consistent and comprehensive manner. The Hoopa Valley Tribe and the Nez Perce Tribe are examples of Tribes who have established strong forestry programs with good collaboration with their BIA counterparts. In Alaska, however, BIA Agencies are not involved in forest management, so Alaska Natives must collaborate directly with the BIA Regional Office. This arrangement may hinder oversight due to the geographic distances involved.

Finding 3 Longer Term Recommendation

Enhance policies and manuals into future PL 96-638 compacts and contracts.

Standardize oversight clauses to clarify expectations between Tribes and DOI Line Officials regarding forestry program collaboration. With consultation from the Tribes, standard language should be introduced that promotes Tribal control and self-determination while at the same time ensuring the Secretary's obligation to provide oversight and review of Indian Trust asset



management programs. Direct Pay audits with formal reconciliation procedures must ensure that beneficial owners receive, in a timely manner, all of the Trust revenues they are due.

Finding 4: There is a dangerous level of forest “fuels” on Indian lands.

Resulting wildfires affecting Tribal reservations and individual Indian land can be catastrophic economically and culturally. A catastrophic forest fire on rich timber Indian lands may decimate a Tribe’s or individual Indian’s financial position for generations.

Two distinct factors have worked together to produce dangerous forest “fuels” on much of Indian forested lands, as well as within public forests. Better monitoring and wildfire alert systems have combined with more sophisticated fire-fighting capabilities and faster response times of crews in putting out wildland fires. Secondly, there has been a widely held perception that all forest fires should be extinguished as a means of ensuring the best stewardship of the environment. Environmental protection awareness has influenced and benefited national forest management policies for decades. However, successful fire suppression and environmental protection controls have contributed to the unintended forest management concern of dangerous fuel loads.

Because controlled burns to reduce fuels levels can only occur under certain conditions, foresters rely on environmental indices and the condition of natural fuels to indicate a “window” or opportunity for relatively safe burns to clear underbrush and small trees to reduce forests fuels. These “windows” are constrained by air quality, climactic conditions, and the weather’s impact on forest fuels in areas targeted for such fuels reduction. Regulations have furthered reduced the “windows” for forest protection activities. For instance, the Clean Air Act addresses the release of “particulate” matter into the air that controlled burns produce. However, wildland fires release exorbitant amounts of particulate matter into the air and create a much more significant air quality concern. As an example to illustrate the problem, in the Eastern Oklahoma Region, BIA manages to accomplish ten to fifteen controlled burns per year, but they experience two hundred to three hundred unplanned fires per year.

The Endangered Species Act also has extensive requirements about obtaining Biological Opinions and necessary permits prior to conducting fuels reduction activities. Consequently, regulations have inadvertently delayed or eliminated certain fuels reduction efforts on Indian lands. For instance, it can take three months to get an Endangered Species Act clearance in order to conduct fuels reduction burning for two days. Because timber sales on reservation lands have followed much more slowly than public and private timber clearing, often Tribal and allotted lands become habitats for species displaced from surrounding property. Burden is sometimes placed on Tribes to purchase other lands for habitat development for those species prior to being granted permission to sell their own timber.

The catastrophic wildfires experienced in the recent past have caused legislators to review national forest management policies. Recently, the President announced plans to curtail elements of the environmental review process in an effort to increase the number of controlled burns to reduce forest fuels and avert another year of raging wildfires. Currently, the plan applies to 10 national forests. But there is a significant difference in the general impact of wildland fires on public property and those on Indian lands. Forest reclamation and replanting on public lands is a cost borne by the entire U.S. tax-paying population, and despite their devastation, such fires



rarely impact the economic well-being of citizens directly. Often, this is not the case on Indian lands. Wildfires affecting Tribal reservations and individual Indian land can be catastrophic *economically* and *culturally*. A catastrophic forest fire on rich timber Indian lands may decimate a Tribe's or individual Indian's financial position for generations. In addition, certain endangered forested lands may be considered sacred or culturally significant to the people.

BIA and Tribal foresters are concerned that forest protection activities on Indian lands have been hindered by the growing environmental concerns and forest management policies of the last half-century. Fuels reduction work continues to be deterred due to tight constraints on controlled burns. BIA and Tribal foresters can resort to the alternative fuels reduction method of "chipping" (allowing faster decomposition of the wood in question), and do so about 10% of the time. However, this alternative is both time-consuming and relatively expensive, maybe 10 times as expensive as a controlled burn according to foresters in the Pacific Region. This "mechanical" method is less economically feasible, because it increases workload, cost and duration of forest protection activities, and can only be accomplished within relatively flat forests, as the chipping equipment cannot be maneuvered on steep forested lands. Added to its detractions, mechanical fuels reduction requires forest felling and chipping teams. This type of specialty staffing in many regions has been problematic, with BIA and Tribes competing for resources with states for fuels reduction technicians. In certain regions like Alaska, BIA has made a concerted effort to request help from other agencies to reduce risk on Trust lands.

Finding 4 Longer Term Recommendation

Give special consideration to the impact on Indian lands of new and revised national policies, laws and regulations.

Cost-efficient and timely fuels reduction on Indian forested lands is essential to protect Trust assets and the unique cultural concerns and financial positions of Indian beneficiaries. Forest management budgets should be adjusted to compensate for the increased demand for mechanical fuels reduction.

Forest Management Observations

1. The Indian Trust Forest Management process is well understood across BIA regions and Tribes and works in a generally consistent manner. Relatively few process variations were encountered, with most focusing on FMDs and Direct Pay scenarios.
2. There is a lack of common technologies supporting Trust forest management programs. Forestry staff is required to analyze reservation-wide Forest Management Plans, as well as specific tracts and stands targeted for timber harvest, forest protection or development. Program staff has difficulty in accessing common land records and plans as well as accurate ownership information.
3. There are significant regulatory requirements that affect BIA and Tribal forestry program staff in their efforts to provide Trust forest stewardship and return on assets. Aside from the Endangered Species and Clean Air Acts mentioned above, numerous other regulatory requirements and Executive Orders impact forest management. These include cultural resource protection, water and related land resources, wildlife, public lands, open space, recreation, marine resources, transportation, noise reduction, and resource recovery laws. The



- burden of meeting all these regulatory requirements dramatically increases costs and reduces timeliness and effectiveness of Indian Trust forest management.
4. BIA and Tribal forestry programs are grossly under-funded compared to other federal and private forestry management programs. The National Indian Forest Resources Management Act, Title III, Public Law 101-630, requires that the Secretary, in consultation with Tribes, obtain an independent assessment of the status and management of Indian forests. The study is conducted every 10 years. The 1993 study conducted by the Indian Forest Management Assessment Team (made up of seven nationally recognized forestry experts) documented significant findings that are still voiced as concerns today. According to the study, Indian forestry programs fund approximately 60% per acre compared to national forestry programs for direct timber production, and private forests receive almost double the Indian budget. The latest study, currently underway, is expected to confirm the continued disparity in Indian forestry funding.
 5. It is increasingly difficult to hire qualified and experienced forest management professionals into BIA and Tribal forestry programs. According to the same study conducted by the Indian Forest Management Assessment Team, pay grade levels for BIA forestry staff are lower than equivalent positions in BLM and the U.S. Forest Service, yet due to budget disparities, BIA staff carries greater workload. New foresters are not familiar with BIA regulations, policies and systems.
 6. Arson is a major concern and cause of wildland fires on Indian lands and reservations.
 7. Forest Management Plans for forests require extensive documentation collection and analysis, as well as the concurrence or approval of numerous federal, state and Tribal agencies. Collecting the required documents and opinions can range in duration from one to six years. A Forest Management Plan covers a 10-year period and it can often take BIA and the Tribes working together up to 10 years to develop the plan and obtain Tribal and DOI approval.



5.3.5.2 Range Management Findings and Recommendations

Finding 1: Land condition monitoring and status reporting is limited, reducing the ability to perform effective rangeland planning and management.

Periodic inspections of range conditions, use, and financial compliance are conducted. These reviews may be scheduled, but the most frequent triggering events are receipt of complaints, and turn-in or turn-out dates (when livestock are moved on or off the property). These events provide convenient timing to assess contractual noncompliance stemming from trespass and overstocking (grazing more animals than prescribed through the permit).

Additional monitoring and reporting of availability and condition of forage; precipitation and water access; soil inventories including composition, moisture content, etc. are all deemed as valuable information essential to good planning and management of the rangeland. At a minimum, annual range utilization surveys should be conducted and compiled into an electronic format for reporting and retrieval. This type of information can be used to revise stocking rates (the type and number of animals per acre, or acres per animal, for the given land conditions, to be allowed under the grazing permit). Such monitoring and reporting is not conducted consistently, and performed infrequently as resource availability allows. Some BIA Agencies maintain sample plots of land within Range Units, which are monitored on a regular basis, but most have not done thorough evaluations of land and forage condition in years. Many reservations, Navajo in particular, have not conducted a comprehensive update of carrying capacities since the 1930's, and only partial updates of soil inventories and range surveys since then.

The lack of available skilled personnel, the budget and time required to conduct these assessments of land conditions, generally limits the information and level of detail at which prudent rangeland planning and suitability assessment can be performed. Carrying capacities of the rangeland were set on a range site to range site inventory of the rangeland, decades ago. Stocking rates are set for a Range Unit at a percentage of the sum of the carrying capacities of the range sites in the Range Unit. Given the time and data available, many BIA offices will increase or decrease stocking rates at a reservation or regional level, via blanket percentage adjustments, which are then applied to the previous stocking rate. This is a broad, "shotgun" approach, and does not address previous overgrazing on a given range site, percentage and type of weed infestation, forage level and forage seasonal growth characteristics, change in availability of water, and other Range Unit or range site-specific characteristics.

Finding 1 Quick Hit Recommendation

Deploy regional "tiger teams" of skilled range conservationists to establish a prioritization schedule for monitoring and reporting on rangeland condition.



Finding 1 Longer Term Recommendations

1. Implement a GIS-based rangeland management information and reporting system.

Coordinate with leading Tribal efforts to integrate and share information to develop comprehensive views of all rangeland under Trust jurisdiction. See Section 5.2.3.1 – Broad Trust Management and Asset Stewardship.

2. Initiate consultation and workshops with Tribes, sharing leading animal husbandry and land management practices, assisting in counseling and problem solving with them.

As part of this effort, develop an information sharing program, and provide incentives for operators to provide key rangeland management information to the Tribal and BIA range specialists in exchange for the workshop and counseling efforts. For additional detail, see the Consultation Model discussion in Section 5.3.2 – Beneficiary Services Findings and Recommendations.

Finding 2: Rental values are not established consistently across locations for use in grazing permits, or in calculations of distribution advice.

A generally recognized requirement for good rangeland management practice and getting fair market value for the beneficiaries is the performance of an appraisal to serve as the basis for development of the rental value for the terms of the grazing permit. This is true regardless of the method of selecting a permittee, since the appraisal serves as key input for a bid process just as it serves as a starting point for a negotiated permit.

The level of detail at which the appraisal is requested and performed may vary significantly. Some are done at a regional level for a minimum grazing rental rate per AUM (animal unit month). Others are Range Unit specific based upon the characteristics of that particular land, the types of animals being grazed on the land, the availability of water, and the distance or accessibility to markets for the animals. Rangeland appraisal practices are discussed further in Section 4.3.5.3 – Range Management.

The second major variability is the method of applying the rental rate for Range Units (aggregations of a number of tracts of land, each having their own ownership) to the calculation of the distribution advice. In basic terms, this is an apportionment of the revenue to the landowner interest beneficiaries. Revenue is received at the aggregated Range Unit level. Some agencies base the apportionment calculation on acreage, dividing the revenue by the number of acres to develop a “blended rate” and this rate is then multiplied by the acreage and percentage of ownership-interest to define the amount for each beneficiary; e.g., Great Plains Region. Other agencies base the apportionment calculation on the productivity of each specific tract via an AUM number, such as the Rocky Mountain Region.



Finding 2 Longer Term Recommendation

Implement a system that supports the defined approaches for appraisal, billing, collection, non-Trust funds disbursement, and distribution advice preparation.

There is a current DOI initiative underway to review the revenue apportionment approach. Additionally, the events triggering rangeland appraisal should also be standardized. The specific policies and calculations required for the different combinations of ownership as they impact the revenue collection and procedures for non-Trust fund disbursements and distribution advice preparation should also be assessed. (See [Section 5.2.3.1 – Broad Trust Management and Asset Stewardship](#).) The Inter-Agency Procedures Handbook should be updated to reflect the determinations of these studies, and training sessions conducted to ensure consistent deployment.

According to the definitions and design reached by these initiatives, provide a system that will enforce a common approach and method of calculation, as well as integrate the data between this process and the other related Trust processes; e.g., Appraisal and Accounting.

Deploy a spreadsheet template with appropriate, protected-cell calculation formulas, and separate worksheets for input of relevant information necessary to calculate distribution advice. This will greatly improve consistency for those locations without access to a major regional computer system to support this process. In conjunction with this, the key automated systems should be maintained to utilize common approaches and common calculations (e.g. IRMS, MAD, REM/RES). See [Section 5.3.5.5 – Water Management](#) for a related recommendation.

Finding 3: There is wide variation in how often to obtain “Authority to Grant” grazing permits and the approaches used in approving the authority.

The process to obtain “Authority to Grant” seeks beneficiary approval (on multiple-ownership tracts, or Range Units aggregated from tracts with different ownership), to authorize BIA to issue grazing permits on the land in which they have ownership. Land which is 100% Tribally owned bypasses this process.

Where land is heavily fractionated or checkerboarded, this process creates a high volume of labor-intensive mailings, forms, and compilation of results. Many BIA Agencies with such a land base commonly issue between 5,000 to 20,000 notices or consent letters in a single permit-expiration year. Where automated systems exist to generate the Authority to Grant notices, the workload is substantially reduced.

Due to the onerous nature of the volume of paperwork for this activity, BIA regions and agencies have utilized different interpretations of how often this process must be performed, and what event or criteria triggers its performance.

The most common interpretation is to perform the process upon an impending expiration of the current permit period, primarily where there are large, contiguous blocks of rangeland all expiring on a common date for a given reservation. In other geographic areas, where land is more fragmented, or there are not one or two blocks of permits with common expiration dates a wider



variety of approaches are used. Some agencies have performed the authority process once, and deem it adequate, either in perpetuity or until a majority of the ownership-interests change. Others trigger the event only upon probate, sale, or other ownership change that will potentially reduce the approval level below the statutory or regulatory level of majority required.

Finding 3 Longer Term Recommendation

Include a request for the Authority to Grant as part of an annual report to each beneficiary, including it only upon the appropriate triggering event.

Conduct a short-term assessment and procedure definition initiative, including participation from the different types of land bases and ownership profiles. Evaluate various approaches to authority to grant strategies and determine preferred or best practices to incorporate into regional manuals if they fit local situations. Eliminate separate consent processes, and use only the Authority to Grant. Some of the Agencies chose to include the separate consent to provide additional information such as expected rental rates or an estimated distribution per beneficiary.

Provide a multi-channel method of response – through the web, via call center, or mail. This should be implemented and integrated with the deployment of the single ownership system and realty management system as described in Section 5.2.3.3 – Technology and Information Sharing, and provide for an automated calculation and summation of the approval or consent according to the 25 USC 2218 (ILCA) majority consent requirements.

Range Management Observations

None.



5.3.5.3 Long-Term Leasing Findings and Recommendations

Finding 1: In some instances, long-term leasing of Indian lands is done on a reactive rather than proactive basis, establishing an environment in which DOI may not be achieving highest and best use of land or greatest return on assets for the beneficiaries.

The general goal of long-term leasing on Indian Trust land is to provide fair return on Trust assets for beneficiaries in accordance with the beneficiaries' intended use of those assets. BIA realty staff develops long-term leases for most commercial leases as well as residential or homesite leases. In general, the process for Long-Term Leasing begins with planning for a land base or specific tracts of land.

Where possible, BIA staff provides land asset records, owner-interest information and technical expertise to support a respective Tribe's participation in the process. There are several BIA regions and agencies that are particularly adept at collaborating with Tribes on land use planning. For a more extensive discussion on the need for DOI leadership in Trust-wide comprehensive land use planning, please refer to Section 5.2.3.1- Broad Trust Management and Asset Use Stewardship.

The Northern California Field Office works with Tribes proactively on pre-leasing meetings to familiarize Tribal realty staff and Council Members with the BIA leasing process and its associated regulations and requirements. In the Western Region, the Fort Yuma Agency regularly tracks upcoming expiring business leases in order to pursue lease renewals or new business leases.

While realty staff in these regions, agencies and Tribes performs proactive land use planning to develop long-term leases, they do not represent the majority of BIA realty operations. Severe shortages in realty staff at BIA Agencies, and sometimes a lack of experience or skill sets, contribute to realty operations that by default function in a reactive mode. All realty operations respond to leasing opportunities once applicants or candidates have been identified and demonstrate an interest in participating in a long-term leasing arrangement on Trust lands. BIA and Tribal realty staff often work together to proceed with long-term leases on Tribal lands. In virtually every region, BIA realty staff have some form of documented procedures for applicants to follow in obtaining a lease, and often have several versions of standard homesite and commercial leasing packages and associated leasing fee schedules.

Finding 1 Longer Term Recommendations

- 1. Establish economic development strategies targeting the most valuable lands across the Trust for long-term commercial leasing and land development.**

Such strategies should be developed in conjunction with any Tribal IRMPs that may be available or in development. As part of overarching strategies to ensure highest return on Trust assets, and in accordance with Tribal or individual beneficiary intent, work with Tribes to identify appropriate leasing opportunities and potential leasing candidates. When identifying such lands, eliminate from Idle Land Surveys real estate that is not to be



developed based on beneficiary indication that such land be excluded for ceremonial or other reasons.

At a minimum, develop marketing programs as commercial Trusts do to advertise or market lands available for commercial leasing, using all available resources including the Internet. Capitalize on community outreach opportunities to market lands to local communities or national developers. In order to accomplish this, a complete inventory of the available land for lease activity must be completed.

2. Develop a parcel tracking system.

Once the available lands have been identified as potential lands for producing Trust revenues, develop a parcel tracking system, which helps realty staff monitor leased or idle tracts, as well as long-term lease expiration schedules for proactive renewal, terms renegotiation or new leasing actions. Identify land for which leases are expiring within the next 12 months, as required by the Inter-Agency Procedures Manual. Parcel and lease tracking capabilities should be included in the performance management tool (such as a dashboard that indicates to realty staff when revenue-producing land is nearing lease expiration) recommended in Section 5.2.3.1 - Broad Trust Management and Asset Use Stewardship, earlier in this chapter.

3. Develop a realty training program.

In an effort to underscore the value of the realty function of the Indian Trust, and to enhance the skill sets of BIA Realty Officers and Realty Specialists, develop a realty training program that teaches basic Indian Trust and commercial realty principles. The training program should also provide highlights of other disciplines that affect BIA realty commercial leasing, including corporate law, bankruptcies, and environmental law. Also, consider additional education in the form of funding realtor's certifications from state Realtor's Exams for lead Realty Officers at key agencies. In conjunction with these efforts, establish a DOI internal consulting model that promotes mentoring and consulting from within DOI's extensive pool of expertise across all bureaus, agencies and services. To begin, develop a contact list of DOI experts in certain fields (for instance, certified surveyors and licensed appraisers), with appropriate contact information to facilitate collaboration, knowledge sharing and leveraging of appropriate DOI expertise to support field representatives in performing fiduciary responsibilities. (See Section 5.2.3.2 – Communication and Fiduciary Role, Quick Hit Recommendation, for further detail.)

Finding 2: Lack of standardization in Title recordation causes inconsistencies in Trust records management and undocumented encumbrances regarding land use.

Within the bounds of regulations there are several means of granting Indian Trust land usage. For long-term use scenarios, leases and permits are two of the most common ways of granting use on Tribal or allotted lands. Although the regulations account for numerous types of encumbrance instruments, there is little documented instruction that indicates the appropriate decision-making process for selecting a lease versus a permit versus making an assignment, etc. Both BIA and many Tribes regularly use long-term commercial and residential leases as standard encumbrance vehicles. However, it is also common to use long-term leases on allotted lands and Tribal



assignments on Tribal lands when the candidate is taking possession of Indian lands as a residence.

The following serves as an example of regulatory/procedure inconsistency. According to 25 CFR 162.104, individual Indians who own 100% undivided interest on a tract of land may take possession without a lease or DOI approval. But the associated portion of the Inter-Agency Procedures Handbook specifically calls for a lease, even in the case of 100% ownership by the lessee landowner. To complicate matters, individuals are often not aware that obtaining a lease or permit for land use may be required. When deciding whether to use a commercial long-term lease or a permit, both BIA Agencies and Tribes may select different terms and durations. But because appraisals are not required for obtaining permits, often permits are granted rather than leases because the process is faster.

When entering into negotiations to allow commercial enterprises on Trust lands, BIA generally enters into long-term leasing agreements. However, as in the Eastern and Midwest Regions, Tribes have decided to allow commercial use of Tribal lands without a lease or any other record of encumbrance shared with the Department. (Tribes often enter into contractual agreements with commercial entities, but may not forward those documents to BIA regional staff.) Similarly, some landowners are conducting commercial operations on Pacific Region allotted lands without a lease; in the Western Region permits are not required for any commercial entity operating on allotted lands. When an encumbrance vehicle will be utilized in granting business use, the lack of defined criteria for selecting leases or permits results in identical land use grants with different encumbrances vehicles across the Trust. For instance, some Tribes will negotiate with third parties for permission to install cell towers using revocable use permits (as in Navajo), where others enter into formal long-term leases (as at the Yakama Agency in Northwest). Where Tribes are facilitating the development of services and facilities that benefit reservation life (places or worship, schools, day care centers, etc.), some grant use by Tribal assignment, others by long-term leases, others by permit, and still others without encumbrance vehicles.

Maintaining accurate and comprehensive land use records is one of the tenets of the government's fiduciary obligation to the Indian Trust. However, even after an encumbrance vehicle has been selected for long-term land use, formal recordation of that encumbrance on the land is practiced inconsistently. There does not appear to be a standard practice of either recording the granted land use (by lease or permit) at the local level, or submitting the documented encumbrance to the area LTRO/TSO. Customary and historical use, non-expiring revocable use permits and Tribal land assignments are generally only documented at the local level in area office databases.

Regarding permits, inconsistent recordation has made it increasingly difficult to determine Trust-wide whether or not revocable use permits and rights-of-way have been obtained by entities/companies that have, for example, fiber optic networks, power lines, cell towers, roadways and railways utilizing Trust land assets. This may result in improper land use, inaccurate land availability reports or delays in obtaining long-term leases.

Inconsistency in how and where land use is being recorded introduces risk. Failure to maintain a comprehensive set of land use records—either at the local level or at the LTRO/TSO—contributes to improper recordation of land status, discrepancies regarding encumbrances potentially affecting the income of multiple beneficiaries (and potentially impairing fiduciary oversight), and an inability to control and ensure appropriate Trust land use.



The recordation problem does not end even with properly recorded permits and leases. Almost all regions and agencies acknowledged that many long-term leases are allowed to expire without formal renewal or renegotiations that would ensure optimal return on the trust asset. Navajo Agency staff, for example, estimates that there are tens of thousands of expired leases still on the records. Lease cancellations should also trigger the removal of an encumbrance, either on local land use records or on Title, as appropriate. Workload, staff shortages and realty operations backlogs are causes for less than optimal management of lease expirations, renewals and renegotiations.

Finding 2 Quick Hit Recommendation

Create standard procedures and decision criteria for selecting appropriate encumbrance vehicles (lease, permit, assignment, informal agreement, etc.). Develop a common nomenclature and standardize lease terms and conditions, across BIA regions. Develop a clear communications strategy so that all realty officers and specialists are aware of the clarifications and standard tools at their disposal.

Finding 2 Longer Term Recommendation

Clarify regulations that dictate which encumbrances must be maintained at the local level, and which must be recorded at the LTRO/TSO.

It is recommended that transactions be recorded as close to the point of service as practical. Land use on Trust assets needs be recorded in a consistent manner without necessarily being recorded as a formal encumbrance on Title; one of the large commercial Trusts interviewed for this effort did not record Trust land uses on Title. Further recommendations and discussion of related issues are provided in Section 5.3.2 – Title Services, Acquisition and Disposal Findings and Recommendations.

Finding 3: Approaches to obtaining beneficiary consent and the definition of what constitutes “consent” vary widely.

According to 25 CFR 162—Leasing and Permitting, leases on Trust land can be granted by the Secretary under very special conditions. Normally, Beneficial owners (or their legal representatives) and Tribes (or Tribal enterprises) “grant” leases on Indian Trust lands. As a matter of procedure, the granting of long-term leases or permits is achieved through what is commonly referred to as the process of *obtaining consent*.

Tribes and Tribal enterprises may grant leases on Tribal lands directly, or may provide the Secretary with written notification of the BIA Line Official’s authority to grant leases on behalf of the Tribe. For instance, the Pima Agency enters into commercial lease agreements on behalf of the Tribe, based on an overarching Tribal Resolution granting such authority. (There are rare cases in which agencies act on behalf of Tribes without blanket Resolution authority). The majority of Tribes are well-integrated into the long-term leasing process, including appropriate provisioning of consent for leases on Tribal lands. However, the Indian Land Consolidation Act (ILCA) as amended in 2000 has impacted the definition of consent for fractionated interests on



Indian lands. Previously, majority owner interest was considered to “bind” minority interests. The new requirements apply a scale of owner-interests in determining consent needed to grant land use, which must still be greater than 50 percent.

The problem exists in the sporadic application of the ILCA consent requirements. A majority of BIA regions may not be following ILCA requirements for obtaining consent and many regions and agencies reported using the older “owner-interest majority” as a means of determining beneficiary approval of a lease. Under that approach if enough people representing the majority of interests in a tract approved of the lease, BIA staff considered the lease permissible to the landowners. Certain offices used a form of “implied consent,” whereby a consent letter regarding a potential lease is mailed to known owners and if no owner responds with an objection to the lease. Within 90 days, BIA staff considers the lack of feedback as consent to the lease in question (as in Alaska, the Northwest, Western and Pacific Regions). Superintendents may sign consent forms for absentee owners if no response from the landowner is received. The Navajo Nation requires the additional consent of historical land users, any grazing permittee or the grazing committee (if applicable). Elsewhere, verbal or informal consent is considered sufficient, especially in cases of owner use of land. In some situations, if land is going to be used in line with “historical use,” no new consent procedure was initiated. Subsequently, long-term leases may be challenged and appealed.

The recordation of consent also varies. Some regions include signature pages attached to the lease with a certain number of signature blocks. Others mail separate consent letters that are returned by beneficiaries and retained as evidence of consent. Still others have developed more formal consent forms for commercial or residential leases. Occasionally, BIA puts the onus for obtaining and documenting consent on the long-term lease applicant, with guidance from realty staff as to the interest owners and their addresses.

The Central California Agency and the Northern California Field Office not only identify and communicate with fractionated interest owners, but realty officers there developed educational materials on “Co-Owner Rights” that they provide to interest owners at the time of obtaining lease consent. The Yakama Agency also makes great effort (with repeated contact) to notify owners of long-term leasing opportunities. The process of obtaining consent, especially for severely fractionated interests on allotted lands, can be lengthy and cumbersome. Obtaining consent is complicated by inconsistent ownership records, and is sometimes obtained without benefit of a certified TSR. These issues only add to the risk of Indian lands being encumbered improperly.

Finding 3 Longer Term Recommendations

1. Develop standardized consent forms that reinforce ILCA consent requirements.

Ensure that regulations in 25 CFR 162 Subparts C and D to be published in 2003 clarify procedures for determining which encumbrance vehicles should be used in each circumstance. Address standard mechanisms for documenting consent (Power of Attorney, Lease signature blocks, letters of consent, etc.). It may be appropriate to include conditions for which “permission to proceed” is authorized prior to lease approval.



2. Institute an auditing procedure.

After regulations are published that clarify appropriate mechanisms for granting land use and recording consent, institute a monitoring or random auditing procedure to ensure the consistent application of the regulations. To ensure consent is obtained from the rightful owners, provide realty officers negotiating long-term leases with online access to certified TSR information. As a result, it would help eliminate ownership confusion, increase effective communications with Beneficiaries, and reduce the elapsed time necessary to obtain consent required to encumber Trust lands. Further discussion can be found in [Section 5.2.5.4 – Agricultural Leasing Findings and Recommendations](#) and [Section 5.3.5.2 – Range Management Findings and Recommendations](#).

Finding 4: Enforcement of long-term lease terms or revenue collection for third-party leases, along with trespass violations on Indian lands, is problematic due to lack of BIA enforcement capability.

One of the Trust principles held by the Secretary of the Interior clearly stipulates a commitment by the Department to “enforce the terms of all leases or other agreements that provide for the use of trust assets, and take appropriate steps to remedy trespass on trust...lands.” The responsibility for enforcement of long-term leases is also laid out in regulations 25 CFR 162.108 that stipulates the Department has the responsibility to ensure lease payment obligations are met (including direct payments) or prompt collection or other enforcement actions must be taken. All operating requirements must be enforced through inspections or in response to Indian landowner complaint. In like manner, trespass (i.e., entities operating on Indian lands without a lease or permit) must be addressed. In severe cases, emergency actions must be taken to preserve the value of Trust assets. Parts 612 through 619 of the same regulation delineate DOI responsibilities to address lease violations with negotiated remedies, late payment penalties, delinquent rent payment recourse, lease cancellation for cause, withholding of available bonds, eviction and other remedies. Furthermore, the Inter-Agency Procedural Handbook (currently in draft) provides supporting guidance in [Section 12—Lease Compliance and Enforcement](#).

Realty offices across BIA regions are constrained with limited staffing and funding levels and high workloads. Under these situations, regular monitoring of long-term lease compliance is one of the practices that suffer. Most regions reported that lease compliance monitoring was done only in reaction to a landowner complaint or in response to situations where staff becomes aware of problems haphazardly. Both the Navajo Nation and BIA Navajo Regional staff indicated the prevalence of this practice—except regarding their active monitoring of financial compliance on commercial leases.

With the institution of Direct Pay scenarios, BIA has even less insight into potential problems. Beneficiaries are at the forefront of collecting and accounting for Trust revenues, often without knowing regulations or even the payment terms, schedules and receivable amounts expected from a lease from which they are due revenue. Regardless, Direct Pay is the preferred method of collection and distribution of funds associated with long-term commercial leases on Trust land. However, some beneficiaries with Direct Pay terms on commercial leases have been subjected to delinquencies. For example, the Navajo Nation estimates a 35% delinquency rate for commercial leases on Tribal Land. Often in such situations BIA is not requested to intervene and enforce the



lease payment delinquencies until the Tribe or landowner has exhausted all other options for collection.

There are positive examples of agencies actively engaged in proactive monitoring or compliance enforcement. The Colorado River Agency in the Western Region notifies lessees from one year to six months prior to lease expiration to elicit renegotiation of terms. Along with their colleagues at the Fort Yuma Agency and the Rocky Boy's Field Office in the Rocky Mountain Region, they also modify all long-term leases on a five-year basis for incremental rental payment increases to ensure fair market return on assets. The Chemehuevi Tribe in the Western Region has reduced their period of performance on commercial leases to a single year for the same reason. The Fort Yuma Agency is also a leader in performing routine inspections of all long-term leases. The Southern and Central California Agencies take a proactive approach to dealing with trespassers. They attempt to resolve the matter by entering into lease agreements with the offender to negotiate legal use of the land, and a significant number of leases result from this practice.

One difficulty is that enforcement actions often require significant staff time. The Navajo Nation and their BIA colleagues estimate that 1% of their 90,000 homesite leases require remediation, and 35% of their 250 commercial leases on Tribal lands require enforcement actions in response to delinquencies. In the Western Region, realty staff estimates that it can take three months to resolve one non-compliance issue. Trespass is another significant concern across Indian country. The Colorado River Agency, as an example, is currently involved in litigation for 121 issues of non-payment by non-Indian land users residing on Trust land.

The Southern California Agency expressed concern over the limited lease enforcement power realty staff actually wields. Realty specialists monitor leased lands and document relevant findings in letters submitted to and reviewed by the Solicitor's Office—but little enforcement action usually results. BIA also relies on sister agencies like the EPA, when compliance concerns are a danger to the environment. Occasionally, BIA realty staff must request armed security escorts from Tribal police or local law enforcement officials to even assess trespass or other compliance issues. In many areas, local law enforcement will only comply with such requests if they are convinced that the physical safety of an individual is at risk.

Pacific Regional Office staff pointed out that BIA lease compliance is under the jurisdiction of civil law. As the primary enforcement arm of the federal government, the Department of Justice focuses almost entirely on criminal cases where large dollar values may be recovered. In that region there are a large number of instances where rental payments are in arrears, and the filing for bankruptcy by commercial businesses has significantly impacted long-term leasing. In these situations, BIA must have the Solicitor file a civil complaint in court as a creditor against the commercial enterprise. In addition, the bankruptcy process must be monitored closely to ensure the securing of funds.

Finding 4 Quick Hit Recommendation

BIA should consider recording monetary liens against lessees if rental payments are delinquent. The liens should be recorded in County records so at a minimum the delinquencies can be reflected on the lessee's credit rating. BIA should develop a master list of lease operators with a history of delinquent payments or other failures to comply with lease terms. This list should be shared across regions at regular intervals.



Finding 4 Longer Term Recommendations

1. Establish authority to address trespass enforcement.

Because of the pervasiveness of concern expressed over the lack of staff to perform lease monitoring, and the lack of enforcement capability on lease compliance resolution, a review should be conducted to identify and inventory commercial leases that produce revenues above a threshold value, or the operation of which produce hazardous conditions or materials requiring extensive but critical reclamation activities. Oversight of these target leases should be elevated for priority monitoring and enforcement.

It appears that revised or new statutory and regulatory authority is needed to address the enforcement activities of trespass on non-leased property. (See Section 5.2.3.1 - Broad Trust Management and Asset Use Stewardship, for a general discussion of Trust asset protection and the realty staff's recourse in soliciting law enforcement support in protecting those assets.) Consider augmenting BIA authority with Memorandums of Agreements with local or Tribal law enforcement for joint non-compliance escalation procedures and support.

2. Restructure lease agreements.

Consider restructuring lease agreements for new leases with similar characteristics to those described above in order to include new lease monitoring and administration fees, similar to the FMDs taken on forest product sales. Use the additional fees to develop priority lease tracking and performance measurement capabilities for high value leases.

Long Term Leasing Observations

1. The regions are split regarding when consent is obtained in relation to the lease application process. It is common to obtain consent prior to any application activity, but it is also not unusual for agencies to proceed with lease application development before securing landowner consent.
2. Formal negotiation of residential long-term leases is not normally performed. Most residential lease packages and terms are in standard packages reflecting agency and Tribal requirements.
3. Active BIA involvement in the negotiations of lease terms in certain regions is minimal, often performed when the landowners are absent or unable to negotiate on their own behalf. Commercial leases may be negotiated directly between the interested parties. Normally the negotiated terms of the lease allow regular modifications of lease terms and rental amounts to facilitate fair market value returns for the valuable Trust property.
4. Formal advertisement and bidding for long-term leases is rare, and normally occurs only when lease negotiation has failed or there is difficulty in finding a qualified applicant. In some cases, advertisement is necessary to promote land use. In the Alaska Region, for example, there is regular advertising of improved long-term residential lease property due largely to remoteness and geographic disparities of the parcels available for long term residential leases. Contrarily, the Palm Springs Field Office has no need to advertise commercial leases. The office receives approximately 120 unsolicited bids/proposals for commercial long-term leases on Trust property annually. The realty staff forwards proposals



and leasing guidance documentation to the appropriate landowners. These landowners will usually take offers to their attorneys, who draw up the actual leasing language or draft leases (50% of all area leases).



5.3.5.4 Agricultural Leasing Findings and Recommendations

Finding 1: There is a lack of comprehensive documentation of agricultural land status and use.

The predominant agricultural land use is for crop production. Other significant usage is documented for long-term agricultural leases; e.g., orchard or vineyard, recreational or lakeshore use permits, and miscellaneous permitting (including food vending, gathering, hunting, telecommunications, scientific, archeological, and cultural use).

Large blocks of relatively high-value farmland are historically leased (or allowed specific use through revocable use permits), and are relatively well documented through Contracted Service Provider (CSP), Tribal or BIA land operations and realty program processes. Information sharing between Tribes and BIA operations is inconsistent and highly dependent upon the personal and working relationships established at the local level. Where the Tribe has not compacted or contracted all land operations and realty, the Tribe often manages and documents use of 100% of Tribal lands as well as some of the miscellaneous permitting, and BIA manages and documents leases it approves on allotments and fractionated-interest lands.

Additionally, there are many types of land use with limited or no involvement by either organization. Of particular note is owner use of land, often where a fractionated-owner-interest uses or occupies the tract in which they have an interest. The most frequent trigger initiating any process or documentation is complaint of trespass. Failing such notification, usually neither BIA nor Tribe document such land use. PDA allotments have similar issues, since they are small in size and widely scattered in location, have no Tribal interest, little or no BIA documentation of status or use and limited resources to monitor such land.

The general essence of such fragmented documentation and management of the land is that there is no integrated compilation of land status and land use available for truly comprehensive agricultural land use management. Results of this piecemeal visibility are a lack of any organization's ability to comprehensively view, understand, and plan land utilization, or monitor the effects of such usage.

Finding 1 Quick Hit Recommendation

Initiate formal information-sharing programs between interested parties. Owner use frequently goes undocumented, and information sharing will provide both parties with additional valuable information, and also provides increased participation of individual beneficiaries in their own land.



Finding 1 Longer Term Recommendations

1. **Implement GIS-based land management information systems and process-support capability.**

Provide incentives for funding of comprehensive land use planning initiatives and availability of GIS land management information. (See Section 5.2.3.3 – Technology and Information Sharing.)

2. **Develop and deploy regular monitoring and auditing of land utilization.**

3. **Build a knowledge base of value-added information.**

Include information about best land-use practices, comparative value assessments for like-land, comprehensive land use planning information, and provide access levels based upon the amount of information or process support contributed.

Finding 2: Federal environmental regulation requirements often lengthen the time needed to contract Trust land.

Agricultural leasing is cumbersome in many regions by the application and the local interpretation of various Federal statutes and environmental land management regulations. Reviewing and refining environmental documentation frequently exceeds a year, after the time and cost to prepare original environmental findings.

Key regulations with significant impact are the National Environmental Policy Act (NEPA), Historical Preservation Act (NHPA), Endangered Species Act (ESA) and the Antiquities Act. The intent and largest application of these laws are to regulate and protect *federal public lands*. They are applied to Indian lands because BIA is a federal agency with land management responsibilities. These laws were not passed with primary consideration to Indian lands, and do not oblige private landowners to meet these same requirements.

Two events trigger the majority of environmental compliance and assessment activities. First is attempting to lease or permit Trust land. Second is a change of land use or intent to make improvements with potential impact to the land, such as new fencing, or drilling a well. Typically, the burden is on the applicant or prospective lessee to acquire such clearances. This usually involves hiring a private consulting firm to perform assessments, including on-site reviews, and prepare documentation of proposed undertaking. Even for most minor proposals, the time and cost of this effort offsets or is greater than the value of the lease itself, and in some cases, may devalue the land.

Implementation and adherence to these obligations and requirements varies greatly between regions and locations. Some Tribes, and BIA Agencies are able to apply “categorical exclusion” to planned activities, which can document and complete this process within hours or days. Other situations require full environmental assessment and Environmental Impact Statement, potentially requiring years.



Finding 2 Quick Hit Recommendation

Establish a national “tiger team” of environmental specialists to assist Tribes and BIA offices in addressing environmental compliance with the minimum impact to Trust land use business. Provide best practices, advice for conducting and meeting environmental compliance requirements, and templates of information. Implement an information-sharing program leveraging best practices by Tribes that are experienced in navigating the environmental requirements. Examples are the Hoopa Valley and Salt River Pima-Maricopa Tribes.

Finding 2 Longer Term Recommendations

1. **Conduct a thorough review of key federal statutes and regulations that can negatively affect the use of Trust land.**

Consider remedies to remove or refine those in conflict with overall Trust and Tribal land management goals.

2. **Certify Tribes to provide their own environmental determinations.**

Consider allowing Tribes to be certified to provide their own environment determinations with approval by a single review board containing members from the appropriate BIA and other federal government organizations. This will simplify and reduce the number of contact and review points, and significantly shorten the elapsed time for Tribes to obtain authority to proceed on land use initiatives. In conjunction with this change in roles and responsibilities, training and assistance programs should be provided to support development and training of Tribal staff to prepare such documentation.

3. **Conduct a review of current DOI environmental manuals.**

Expand coverage of actions to be covered by a categorical exclusion, to establish a more consistent basis and more streamlined methods for conducting land use business transactions on Trust land.

Finding 3: The criteria initiating beneficiary consent and the approaches to conduct the consent process vary widely.

According to 25 CFR 162 – Leasing and Permitting, beneficial owners or their legal representatives, and Tribes, “grant” the leases on Trust lands. The leasing process on 100% Tribally owned or single-allotment-interest owner land is relatively straightforward. Difficulties ensue where Trust land has fractionated ownership-interests, or a number of tracts have been aggregated into a single commercially attractive unit of land for lease or permit.

The 25 USC 2218 (ILCA 2000 amendments) determine consent by a majority of ownership-interests approving the proposed land use. Where ownership-interests do not respond to requested consent, or where the interests are minors or not mentally competent, the BIA Line Official is provided authority to provide consent or disapproval on their behalf. The regulation defines the majority consent as follows:

- a) For five or fewer owner-interests, 100% of the interests must consent



- b) For five to ten owner-interests, 80% of the ownership-interest is required
- c) For 11-20 owner-interests, 60% of the ownership-interest is required
- d) For more than 20 owner-interests, a simple majority of ownership-interest is required

Although the above regulations are fairly clear, and are generally followed, problems exist in the inconsistent timing and application of the rules. Additional problems are driven by the volume of workload to achieve this consent. Many BIA Agencies with heavily fractionated land bases for agricultural use may have 20,000 to 150,000 ownership-interests. Communication to the many ownership-interests in pursuing consent to approve a land use transaction becomes onerous, and the workload volume will only increase over time as new generations of heirs will increase the fractionation.

At some agencies, such consent is performed only once, and deemed adequate either in perpetuity or until a majority of the ownership-interests change. Other agencies trigger the consent process only upon probate, sale, or other ownership change. Perhaps the most common approach is to perform consent at the expiration of each existing lease period, or, at the initiation of the land planning and selection of a candidate lessee. Even with this approach, material differences are encountered. Sometimes a notice will be sent informing the ownership base of intent to lease the land tract, with only negative confirmations requested. Other agencies will issue multiple mailings and follow-up phone calls until a positive majority response is received. Still others will perform this process, and, in addition, once the lessee is selected and terms negotiated, perform another consent process seeking ownership-interest approval of the selected operator and specific terms.

The result is an extremely labor-intensive process, which, due to the variations in approach, also may appear disjointed and confusing both to applicant lessees and to beneficiaries involved in the consent process.

Finding 3 Longer Term Recommendations

1. Refine and clarify regulations.

Integrate this solution with the similar solutions found in Section 5.3.5.2 – Range Management Findings and Recommendations and Section 5.3.5.3 - Long-Term Leasing Findings and Recommendations. For more detail, please refer to the recommendations in Section 5.2.3.1 – Broad Trust Management and Asset Stewardship Findings and Recommendations regarding ownership-interest information.

2. Conduct an assessment and procedure standardization effort.

This should result in standardized consent forms and a single set of criteria triggering the performance of the consent process. Revise the Inter-Agency Procedures Handbook, and conduct training as appropriate at offices conducting the leasing and realty processes.

Finding 4: Significant difficulties exist in billing and collecting irrigation O&M fees, especially for tracts that are not leased.

Many irrigation projects are federally supported or assisted, and have been designed to collect fees on a regular basis in support of ongoing operation and maintenance. Semi-annual billing



and collection is performed. A federal program manager usually sets the billing rates. Exceptions are made where local and regional water management consortiums, occasionally including Tribes, have been delegated this authority.

The appropriate updates are made to a proprietary system, NIIMS, which then issues invoices. The O&M billing is specifically not tied to the amount of water used or not used, but instead to the costs of the regular, ongoing out-of-pocket operational expenses, maintenance and repair of the water delivery infrastructure, and may also include an allocation of a portion of the initial project capital costs. Where leases are in place, the invoices are issued to the lessee/operator. Where land is idle or under owner-use, the invoices are distributed to ownership-interests. Payment receipts and collection duties are performed by the relevant BIA office, usually the nearest BIA Agency or Field Office.

Non-payment and delinquency rates are substantially higher on O&M billing than on the land leases. Three primary reasons have been identified. First, lease operators may disagree with the amount billed, the status and operability of the irrigation system, or the water allocation provided. Although the invoice amount is derived from the operational expenses, not the amount of water delivered, the operators believe they are paying for the right of water delivery. When less water is delivered than expected, problems with operator payments proportionately increase. Second, as mentioned above, where land has gone idle, billing reverts to ownership-interests. Owners, especially absentee owner-interests, have high delinquency rates, both because they are not utilizing any water or O&M themselves, and also because they are not receiving any rental incomes from leasing of the land. Third, the NIIMS system is aging, and had been developed by a small proprietorship, and is now difficult to maintain or enhance. Particularly difficult are the maintenance or integration of the changes in land ownership-interests and the changes in invoicing algorithms appropriate for changing the land tracts; e.g., unitizing tracts, or disposition to fee status.

Finding 4 Quick Hit Recommendation

Deploy a clear communication message and process depicting the O&M assessments.

Include comparisons and contrasts to the other fees and leasing rentals typically payable on Trust properties. Implement multiple channels of communicating this with both operators and landowner-interests.

Finding 4 Longer Term Recommendations

1. Clarify and refine statutory and regulatory authority and responsibilities.

Include assessments, methods of calculating the O&M fees, and more effective collection and enforcement capabilities in the revisions. Consider eliminating the attempt to collect O&M for non-producing properties (where the land is not leased, permitted, or used by the owner for productive purposes).

2. Implement an integrated billing and collections system capability for O&M.

Integrate the capability with the future integrated system identified for Trust realty billing and collections in Section 5.2.3.1 – Broad Trust Management and Asset Stewardship. If the O&M system is still required for assessing fees on non-Trust lands, then integrate the O&M



system with the new Trust billing system so that all amounts due on Trust lands are managed comprehensively from a single transactional system.

3. **Conduct a study and assessment of the capabilities, functionality, and maintainability of the NIIMS system.**

Make recommendations as to its enhancement or other short- and long-term alternatives. As part of this assessment, evaluate the consistency of the NIIMS functionality, invoicing process and algorithms with the regulations, processes and calculations utilized for the Trust Agricultural Leasing process.

Agricultural Leasing Observations

None.



5.3.5.5 Water Management Findings and Recommendations

Finding 1: National ranking criteria does not enable regions to submit proposals in the order of highest priority.

BIA's Office of Trust Responsibilities manages the grant process for water related activities. There are two programs—the Water Rights Litigation/Negotiation program and the Water Resources Management Planning and Pre-Development program—designed to provide funding to establish and protect Indian water rights as well as to develop Trust water resources. According to the Chief, Division of Natural Resources, these programs are critical in supporting “the long-term BIA goals of assisting Tribes with establishing and defining water rights, settling claims through negotiations, and supporting the prudent development and management of natural resources.” Over the past several years the criteria for funding has been more clearly delineated and communicated, resulting in a more formalized approach to proposal scoring, ranking and funding. In an effort to standardize the evaluation of proposals across all 12 BIA regions, BIA Central Office established official national ranking criteria against which all proposals are assessed.

There is one primary criterion, called the Primary Ranking Factor, which is wholly focused on a proposal's contribution to water rights litigation or negotiation. This criterion provides the most points (five) for a proposal intended to support a U.S. litigation effort. One fewer point each is awarded for proposals supporting negotiation where a federal team has been assigned to the case, planning studies for negotiation or litigation, negotiations where no federal team is in place, and other related projects, respectively. This single criterion carries the most value in scoring. There are four “subordinate” ranking factors in descending value related to completion schedules, performance standards, development objectives, and shared funding opportunities. Both grant programs use the identical national ranking criteria for proposal scoring, despite the fact that one program is designed for litigation or negotiation, and the other is designed for resource planning and development.

Regions and agencies have expressed concern with the proposal ranking system and how minute criteria/points are calculated. The system used today does not always “rank” the region's most important proposals as the highest priority within the region's total proposal package for the fiscal year. BIA regional and agency staff work diligently to assist Tribes in developing their most important proposals, with effort expended to articulate the ranking criteria and the related scoring system as it pertains to Tribal proposals. In collaborating with Tribes, BIA staff often has insight into water management projects that may be of most significance to the Tribe or to the development of regional Trust water resources. However, the national ranking criteria have no scoring category to highlight which projects are deemed of highest priority to Tribal beneficiaries.

Finding 1 Longer Term Recommendation

Address the concern that the national ranking criteria do not always reflect the priorities of regions and Tribes.

There are two primary ways to address this concern. The first approach is to add a special ranking factor into the scoring that represents strictly the regional view of highest urgency or



priority. The second approach is to consider segmenting a portion of grant funds to key water resource regions that can be used at the regional staff's discretion for most urgent projects that were not funded based on national priorities. Tribes with valid opportunities for water asset investigation, planning or development projects could make progress in accordance with established Trust principles. Either of the recommended approaches would improve the chance for funding of certain important development projects that currently cannot compete with the national litigation/negotiation focus for water management funding.

Finding 2: The funding needs identified each year significantly exceed the total funds allocated to the programs. Once tentatively allocated, actual funding distribution occurs well into the fiscal year in which the funds are obligated. Allocations are geared toward litigation support rather than water resource planning and development.

There was unanimous concern across the regions about the level of funding each year for water management projects. Water rights protection and water asset development are critical components of Trust asset management and Tribal economic development in many regions. The BIA Chief, Division of Natural Resource, estimates that the water management needs are three times greater than the funding levels each year. As a compounding factor, the proposal evaluation emphasis on funding litigation-related activities means that funding for non-litigation projects is even more significantly impacted. The grant programs are essentially operated as a single process with pooled funds. All proposals are submitted and ranked against the shared national ranking criteria, effectively making water resource development projects compete for funds against litigation projects.

To compound frustrations, BIA field staff and Tribes expressed concern over how tight submission timeframes are once grant submission (and ranking) direction is communicated through BIA, from Central Office to Regional Office to Agency Office to Tribal Office—and back. Some Tribes felt they had very little time to develop and score proposals due to the timing of receiving guidelines from the Regional or Agency Office. Due to compressed timeframes, agency and regional staff work on numerous Tribal proposals (as well as their own) simultaneously in addition to putting together package summaries.

In times of budget shortages, even the funding levels for proposals tentatively approved during BIA Central Office's National Ranking Meeting must be reduced. Budget cuts result in decreased total dollars allocated and across-the-board percentage cuts for approved projects. Often, the funded projects must be modified (in terms of objectives and deliverables) to account for the decreased funding allocations that occur.

When Tribes are awarded the 34020 funding (Water Resources Management Planning and Pre-Development) and 34420 funding (Water Rights Litigation/Negotiation), non-Compact Tribes apply for PL-93 638 contracts to execute the water management projects. By the time the administrative process of proposal evaluation, ranking and selection of approved projects, and funding of those projects is completed, it is often late in the fiscal year. Tribes are anxious to execute projects as quickly as possible in order to meet fiscal year deadlines *and* forestall BIA decisions to further reduce project funds for projects with obligated but not yet expended funding lines.



There is a specific Trust strategic goal delineated in the final draft of the *Comprehensive Trust Management Plan* regarding Land and Natural Resource Assets. Objectives supporting this goal include:

- a) Develop land natural resource asset plans and stewardship strategies
- b) Preserve and protect the long-term viability of land and natural resource assets consistent with fiduciary duties and with the beneficiary's intended use of the assets
- c) Manage land and natural resource assets effectively and proactively to obtain fair market value for beneficiaries, as required, and to incorporate beneficiary requirements

Consequently, the serious lack of funding—especially for water resources planning and development—are of grave concern to both BIA officials and Tribal staff. Alternative sources of funding and collaboration are being pursued. Tribes that can afford to often contribute Tribal funds to accomplish water management projects. In the Eastern Oklahoma Region the Choctaw, Chickasaw and Delaware Nations either fund completely or contribute funding to water management projects. The U.S. Geological Survey submits proposals on behalf of the Navajo Nation and the Hopi Tribe. The Navajo Gallup Pipeline includes funds appropriated to the Bureau of Reclamation. Regional staff in Eastern Oklahoma believe that Tribes have EPA funding for water management projects. In the Western Region BIA and 10 Tribes are collaborating on research and a proposal to be submitted to the Bureau of Reclamation.

Finding 2 Longer Term Recommendations

1. Allocate separate funds for water resources development projects.

As part of an overall economic and natural resources development strategy for Trust surface assets, allocate separate funds strictly for water resources development projects as they contribute to the overall strategy. Review water resource assets across the Trust to develop target groups, focused in two areas:

- a) Areas where water rights are most at risk of being abused – develop rights communication, negotiation and protection strategies.
- b) Areas where water resources are most valuable to the Trust or may be critical to the financial well-being of beneficiaries – finance water resources development projects proactively as part of an economic development strategy.

2. Develop a comprehensive strategy and communications plan.

To complement BIA funding and activities supporting asset and natural resources planning, develop a comprehensive strategy and communications plan for BIA field representatives and Tribes to obtain alternative agency grants for Indian water resources development projects.

Consider expanding to all regions proactive approaches to competing for BIA funding as well as alternative water management funds. During meetings related to the BIA water management grant process, the Rocky Mountain Regional staff also collaborates with the U.S. Geological Survey to communicate a briefing on U.S. Geological Survey cost-sharing programs. The regional staff's efforts focus on building relationships and providing technical assistance to Tribes on many aspects of water management projects and have created an environment of better collaboration on the overall proposal development process. Pacific Regional Agencies develop Issue Papers to better define and defend the needs articulated in



regional proposals. These practices should be communicated to other regional water staff to facilitate a more aggressive approach to obtaining funding.

Water Management Observations

1. The grants process related to the two water management funding programs has improved dramatically over the past few years according to BIA regional, agency and Tribal staff involved in the proposal development process.
2. The set of documents required for scoring proposals, providing information about the proposals, and summarizing a region's submission package can be cumbersome to complete in a timely manner while BIA staff is assisting Tribes with proposal content and developing their own proposals for submission within grant deadlines.
3. The National Ranking Meeting generally results in a clear understanding of which projects are tentatively approved and at what levels funding will be allocated.
4. Differences in organizational staffing results in different staffing resources fulfilling the necessary roles for water management across regions and agencies. For instance, some regions have designated water resources coordinators and agency water staff, others rely on Superintendents, Awarding Officials, Fisheries Biologists, Trust Resources and Protection Managers, Water Rights Specialists, Natural Resources or Land Operations Officers or Hydrologists.
5. Due to funding and staffing levels there is limited BIA oversight on water management projects once funded. Staff relies on annual progress reports or PL 93-638 contract year-end reports.
6. Related programs include BIA's Irrigation and Safety of Dams Construction programs, the Indian Health Service's Facilities Construction Program, the Public Law 121 program, as well as other federal programs managed by agencies like the Environmental Protection Agency.
7. Water management grants are provided for a single fiscal year, although a significant portion of proposals describe projects that require two years to complete, leaving incomplete projects vulnerable to competition for second fiscal year funds.
8. Trust water assets are shared resources, subject to conflicting goals and decisions at the national, state and local levels that can put Trust assets at risk. Several Tribes have voiced concerns over aspects of Trust water management.



5.3.6 Subsurface Asset Management Findings and Recommendations

Finding 1: As in other land use planning findings, there is not much proactive planning of subsurface resource use on a regional, reservation, reservoir, or individual tract basis. With some exceptions, there does not appear to be integrated marketing and sales effort for subsurface opportunities.

It appears that most subsurface leases result from a lessee approaching BIA, the Tribes or the individual beneficiaries. Once the opportunity is identified, there is a public advertising for the lease sale. There generally are lease sales advertised on a regularly scheduled basis at most agencies. These sales vary from one to four per year depending on the local mineral resources and economy.

For the most part all lease sales are handled in the same manner. Notable exceptions are the Uintah & Ouray Agency in Utah and BIA's Division of Energy and Mineral Resources (DEMR). They attend industry trade shows, pass out instructions and idle tract lists, accept interest input from companies, advise Indian Mineral Owners of interest, and allow the Indian Mineral Owner to decide if and how to negotiate lease(s) for Allotted Lands. Using this method they have improved their efficiency, effectiveness, and service to beneficiaries.

Finding 1 Longer Term Recommendation

Develop a proactive land use planning process by reservation, formation, reservoir, or other appropriate unit.

Indian Trust mineral assets should be part of an overall land use planning process, done in partnership with Beneficiaries, that identifies areas for specific type of development. In the minerals arena a land use plan would provide a systematic and integrated approach to identifying areas and specific tracts for potential exploration and development as well as current mineral operations similar to the existing BLM Resource Management Plan. A land use plan would help in developing an integrated marketing and sales plan for allotted tracts, provide support for IMDA Agreement development, support development of programmatic NEPA documents, and enhance the likelihood of receiving a bid before a tract is included in a lease sale effort associated with tracts that do not receive bids. Further information can be found in Section 5.2.3.1 – Broad Trust Management and Asset Stewardship.

Beneficiary involvement in a land use planning process could:

- a) Minimize the time required for the consent process, identify and address Tribal versus allottee conflicts in advance of leasing efforts; i.e., mineral development versus cultural preservation or surface use versus mineral development.
- b) Set guidelines for Rights of Way agreements related to mineral development.
- c) Support a regional marketing plan.
- d) Maximize other activities and existing resource; i.e., BIA minerals needs assessment grants.



Existing minerals planning activities and resources that could be leveraged include:

- a) Southern Plains Oil and Gas Report is a guide in decision-making, saving time and effort in the leasing process.
- b) National Indian Energy & Minerals Repository (NIEMR) that is a reference data source for identification of potential mineral deposits and quality of the deposits.
- c) National Indian Seismic Evaluation System (NISES) is a reference data source for identification of potential oil and gas deposits and extent of the reservoir.
- d) Fort Peck archaeological site database containing archaeological information on all sites in the Fort Peck Agency's area.
- e) Diligence evaluation results, especially performed on a field wide basis rather than the current lease wide or adjacent spacing unit basis (It should be noted that field staff believes diligence regulations and lease terms are out of date and have been overtaken by events.).
- f) Results of the two OSM grant program types, Regulation and Technology and Abandon Mine Land. Under the Abandoned Mine Land program three Tribes (Crow, Hopi, & Navajo) are funded annually to reclaim previously mined lands (any kind of mines). The Northern Cheyenne are funded under the Regulation and Technology program.
- g) BLM is planning a third party contract to perform a minerals assessment/market survey for all federal lands in Alaska. The results of this contract could be used in the planning for Alaska Native Allotments.

Having Tribal, BIA Regional, BIA Agency, BLM Field Office, and OSM technical matter experts participate in the planning process will prepare them to handle follow on activities as well as provide valuable local input to the plans. This type of joint planning currently exists in relation to development of NEPA documents.

Another potential source of information for planning purposes is the results of seismic permit activities. Currently there is only a need for surface owner consent and data is not shared with sub-surface mineral owners. There are proprietary and data interpretation issues related to seismic data collection that must be addressed but eventually BIA DEMR and BLM should have access to these results for the benefit of the Indian mineral owner should be maximized.

Finding 2: As detailed in the Title Process and other surface leasing discussions, there are several delays, primarily in identifying the correct title information and beneficiary consent, that slow the subsurface leasing process.

Delays in obtaining accurate beneficiary and title information can slow down the leasing process. In most instances before a subsurface lease can be signed on a particular tract of land, a majority of the beneficiaries must consent to the lease. Obtaining beneficiary consent on a property with a large number of beneficiaries can be a time consuming and difficult task. Frequently BIA requests that a potential lessee obtain the required consent signatures prior to lease approval, rather than BIA obtaining the consent.

To ensure that the correct beneficiaries have been contacted for consent and that they receive payments from a subsurface lease, the local BIA realty officer or specialist must obtain a certified



title status report (TSR) from the appropriate LTRO/TSO. The delays for a TSR to reach the requesting BIA agency can take up to two years. Additionally, different LTRO/TSOs, BIA Agencies and Field Offices use different systems to identify land ownership. Having different systems is costly and increases the likelihood of inconsistent and inaccurate data because there are unsynchronized.

Once oil or gas is discovered, it can become a race for all the property owners to begin drilling operations. If the initial drilling operation is begun on non-trust land that includes the same reservoir with trust land, drilling needs to be established quickly on trust land to ensure that revenue is not lost through failure to act when market activity is at its peak or with possible later drainage. Even though BLM conducts periodic drainage reviews, with the time constraints mentioned above, establishing a lease for unleased Trust lands can take considerable time resulting in lost revenue.

Finding 2 Longer Term Recommendation

Recommendations to improve these areas are covered in Section 5.2.3.1 - Broad Trust Management and Asset Stewardship, Section 5.3.2 - Title Services, Acquisitions and Disposals and Section 5.3.5.3 - Long-Term Leasing.

Finding 3: Because of the delays and requirements in addition to those for non-Trust lands, private sector lessees believe it is difficult to do business with and consummate contracts on Indian Trust land. Inconsistent organizational models, business approaches and systems among BIA, MMS and BLM, and across geographic areas reinforce this perception. Procedural manuals and forms were reported to be also inconsistent and out of date. Further, communication between DOI bureaus is inconsistent.

The time delays mentioned above, the more complicated federal and Tribal regulations, TERO, additional taxes, frequent political changes associated with Indian Trust land, and the inconsistencies in execution among the federal agencies involved has resulted in private sector belief that it is more difficult, time consuming and costly to do business on Indian Trust land. The BLM's major mission is public land management and Indian Trust land does not, in all cases, have comparable management attention. This is primarily due to a major difference in public versus Indian trust land acreage and overall budget allocation. A consequence is a lack of training in Trust responsibilities and inconsistent level of understanding of Indian Trust responsibilities.

When NEPA documents are developed and by whom has been a point of discussion between local BIA and BLM offices. Performing any NEPA evaluations or reviews prior to award of a lease and development of specific plans for use is thought by some to be of marginal value. However, if development of NEPA documentation is postponed until after lease award the entire NEPA document development and review, if appropriate, must be completed prior to production and is a risk for both the allottee and lessee. Also, the timing of NEPA document development has budgetary impacts on both BIA and BLM since Pre-Lease EPA activities are the responsibility of BIA and Post-Lease activities are the responsibility of BLM.



BIA/BLM/MMS each have their own responsibilities, lease monitoring and enforcement approach, and plan for Trust lands. These are not integrated plans although there is some communication across organizational units.

Memoranda of Understandings: There are several Memorandum of Understanding (MOU) between Bureaus related to Indian Trust mineral asset management. One such MOU is the BIA/BLM/MMS Tripartite MOU of June 1997, Regulating Working Relationships Affecting Mineral Lease Activities. There is a lack of understanding of the content of the existing MOUs, varying interpretations of each MOU, no compilation of MOUs with their applicability, and no source for copies of MOUs.

Systems: As in other processes, there are a variety of locally developed data management systems being used in the field. Locally developed databases and commercial off the shelf (COTS) applications are being used in many ways, a few of which are:

- a) Tracking expired leases
- b) Real Estate Management
- c) Minerals Accounting
- d) Lease Management
- e) Tracking of bonds
- f) Tracking allotments
- g) Modeling tools for evaluation/market value estimates
- h) Databases using MS Access, Dbase, Techbase, and Knowledgeman

A wide range of reasons was provided for the development of local systems. Several of the most frequently cited reasons were user friendliness, tool familiarity, customized reporting, and consolidation of data contained in several other systems.

An example of the use of a different system is the Southwestern Region use of the BLM Legacy Re-host (LR2000) System to obtain land and minerals records. The LR200 System provides access to Case Recordation, Legal Land Description, and Mine Claim Recordation information. LR2000 is a BLM Internet based system. Similarly, the National Indian Oil & Gas Evaluation & Management System (NIOGEMS) is used instead of IRMS in the Rocky Mountain and Navajo Regions, and at six other Field, Tribe and Agency Offices (see Chapter 4 variances). NIOGEMS is a mineral resource tracking system developed as a data integrator for oil and gas management by BIA Division of Energy and Minerals Resources (DEMR) for use by Compacted Tribes. NIOGEMS provides greater flexibility and a broader range of data displays than IRMS.

Communications: Notifications of lease actions are inconsistently communicated between DOI bureaus, agencies and other organizational units resulting in coordination failures and gaps in performance of mandated activities. Numerous examples were given during the data gathering work sessions related to notifications, inspections and bond releases. One frequently cited example was the failure to notify BLM of sand and gravel permits.

Manuals and forms: BIA staff expressed the belief that BIA manuals and forms are outdated, inconsistent, and unwieldy to update. Also, there are instances where manuals are not available at field locations and instances where unique local or regional manuals have been developed.



Finding 3 Longer Term Recommendation

Develop an integrated approach to minerals lease management with common systems, data stores and a documented communications plan.

(See Section 5.2.3.1 – Broad Trust Management and Asset Stewardship, Section 5.2.3.2 – Communication and Fiduciary Role and Section 5.2.3.3 – Technology and Information Sharing for further discussion.)

Business Approach: The approach should be clarified and standardized through clear communication of policies and interpretations of regulations on a case basis. Also, Trust elements should be included in BIA, BLM, MMS, and OSM manager's performance appraisals. When there are differences in interpretation of regulations and procedures, a non-confrontational resolution procedure should be established. Also, guidance and clear procedures should be provided for preparation of NEPA documents.

A revised and standardized single lease form and terms could be an effective first move in streamlining the leasing process. Internal and external distribution of the single updated form, instructions and delineation of acceptable terms would accomplish two things. First, it would provide a single standardized and revised form. Second, the distribution would create awareness, both internally and externally, of the Department's commitment to make Indian Trust lands commercially competitive.

Documentation, deployment, training, and use of existing Department assets, i.e., LR2000 (when access is again available), TAAMS and NIOGEMS could have an immediate impact on field staff and their minerals related performance. NIOGEMS already is in broad use and is being ported to a PC base (laptop) with greater security and user capabilities. In addition to its intended oil and gas application NIOGEMS can also be used for Realty Management and Surface Management.

MOUs: A compilation of MOUs applicable to Trust mineral activities should be prepared and published. This compilation should include an indication of applicability or category, a brief summary of contents, and a reference to who the designated custodian is for each. As training programs are refined and developed there should be an inclusion of the MOUs in their content.

Organization Models: The Department should consider the FIMO model in redesigning their approach to Indian Trust management, especially allotted Trust lands management. The FIMO model of an integrated office at a single location under a unified management structure is a proven approach to ensure integration, coordination, and beneficiary service. When this approach is not used, a formal joint planning process should be instituted to develop integrated operation plans. See Section 5.3.3 – Beneficiary Services Findings and Recommendations for further information.

Finding 4: There is a consensus among BIA and BLM staff that current bond amounts are insufficient to cover reclamation activities and do not motivate operators to fully comply with reclamation terms of their mineral leases.



Conflicting with the need for adequate bonding is the economic disadvantage associated with securing and maintaining high dollar value bonds or posting equivalent cash or securities. This economic disadvantage reduces the competitiveness of Indian trust mineral leases. Further complicating this situation is concern by BIA and BLM staff that they have insufficient guidance to establish equitable bonding levels. There has been an IG report prepared regarding bonding and it is under review at this time.

Finding 4 Longer Term Recommendation

Establish clear guidelines for setting appropriate bonding levels for Indian trust mineral leases that address the conflict between reclamation requirements and competitiveness of Indian trust mineral assets.

Field staff should be provided with better guidance and guidelines for setting bond amounts. Additionally, a better matrix for how bonds are established should be developed. Currently the BIA Bond form is an old fashion form; it has a 30-day cancelable clause for solids. Final reclamation requirements are often stated in “soft” or “weak” terms, not measurable, and difficult to enforce. Also, field staff should be given training in estimating adequate bond amounts. OSM has seminars on establishing bond amounts and a training program for reclamation bonding.

From a risk mitigation point-of-view BIA should consider the OSM and Uintah & Ouray Agency bonding policies. OSM holds bonds in excess of \$500 million dollars for four coalmines and insurance policies for off-site damage. U&O uses the discretion of the Supervisor to set bonding for oil and gas and sand and gravel, \$150K minimum reservation-wide bonds are required and that doubles if the Superintendent sees a need to do so. A risk management element should be included in bond preparation and amount determination and the risk should be periodically reassessed. To support both risk management and bond management a tracking system should be established to capture reports related to the integrity of Operators for use in determining future bonding requirements.

Subsurface Asset Management Observations

1. Across the different regions and organizations, BIA/BLM/MMS, generally the same minerals leasing steps are used whether the mineral is fluid or solid. The variations consist of steps being done by different organizations, by people with different skill sets, and/or using different systems and procedures. The underlying process fundamentals appear relatively stable for all mineral commodities despite the array of commodity specific statutes, regulations and organizational units. There is an overall perception that the mineral asset processes for leasing and management inherently differ by commodity, i.e., oil and gas versus sand and gravel. While the physical nature, location and values of commodities dictate differences in operations, terminology and personnel skill and knowledge bases, the fundamental trust processes remain the same.
2. The transition of responsibilities from USGS to BLM for Indian Trust land activities that was initiated in 1982 has been slow to take root in some places. There were a number of data gathering sessions in which individuals expressed surprise upon learning former USGS responsibilities were now BLM responsibilities.



3. There are different approaches to payment between fluid and solid minerals, as there are not solid minerals development on allotted lands. Direct Payment to the beneficiary is allowed for solid minerals while all oil and gas payments are through MMS. While DOI used to allow Direct Payment for both fluid and solid mineral leases, at some point it was determined that Direct Pay was unacceptable for fluid mineral payments.
4. Terms are being written into IMDA Agreements that require Department oversight and involvement that exceed the individual BIA agency's ability to monitor because of insufficient staff.
5. The Tribal Employment Rights Office (TERO) charter and BIA lease terms conflict. Lease terms state that the landowners have first priority for job selection while TERO gives the Tribe the privilege of assigning priorities for job selection. Also, Operator union contracts conflict with TERO.
6. During data gathering work sessions it was reported that because of the Temporary Restraining Order (TRO) of December 5, 2001 there have been only estimated payments of royalty amounts due to Indian mineral owners (beneficiaries) and Explanation of Benefits (EOP) / Financial Distribution Report (FDR) have also been based on estimates. There is concern among the staff that subsequent audits and reconciliation of payments will be an overwhelming task.
7. BIA staff has expressed the belief that BIA manuals and forms are outdated, inconsistent, and unwieldy to update. Also, there are instances where manuals are not available at field locations and instances where unique local or regional manuals have been developed.



5.3.7 Accounting Management Findings and Recommendations

There are many interrelationships among Accounting Management and Probate, Title, Surface Asset Management, Subsurface Asset Management, Beneficiary Services, and supporting information technology. Therefore, findings and recommendations that relate to Accounting Management are mentioned in the Cross-Process Findings section of this chapter and in other process areas. The findings and recommendations described below are considered to be key from the Accounting perspective.

Finding 1: There are currently multiple financial and associated realty systems and manual methods being used in the field that must be separately maintained and updated which may create implications for accounting management.

Note: refer to *Trust Reform, Final Report and Roadmap*, dated January 24, 2002, for more information on Trust information systems.

As described in Section 5.2.3.3 - Technology and Information Sharing, there are currently multiple financial and associated realty systems and manual methods being used in the field that must be separately maintained and updated. The result is creation of overlaps, gaps, and conflicts of information.

This duplicate and conflicting information in multiple systems makes it difficult for BIA and OST/OTFM staff to identify the correct beneficiary records for account maintenance, research, distributions, and disbursements. For example, to distribute from an estate, field staff must determine whether beneficiaries listed on the probate order already have accounts. If not, new accounts must be opened. If beneficiaries already have accounts, field staff must ensure they identify the correct accounts. Otherwise, distributions and disbursements may be made to the wrong people. Ascertaining the correct account information often takes a considerable amount of time for research, documentation gathering, and reconciliation. As a result, disbursements to heirs are frequently delayed.

Another Probate-related issue with current Trust information systems is the difficulty associated with determining the source of funds in IIM accounts, especially for older probate cases. IIM account balances that accrue after the date of death must be distributed according to the probate order. Because there are no automated mechanisms to determine the source of funds, Probate staff must rely on paper realty records to identify the source of funds in IIM accounts, increasing the time and error rate of associated distributions to heirs and devisees. The longer the probate takes, the more difficult and time consuming it is to determine the source of funds.

The Trust is currently hampered in fulfilling its fiduciary responsibilities to beneficiaries by the lack of a standard accounts receivable system. A few BIA offices use local accounts receivable systems, but most offices have no automated capability to track effective dates and termination dates of leases or permits, send invoices for payments due, project the amount of money coming in, or monitor payment compliance.



At the level of overall Trust investments, the lack of an accounts receivable system prevents an accurate estimate of the amount of money available for the daily investment with Treasury, as well as an accurate sense of cash flow for better investment decisions.

Moreover, the Trust has no automated capability to generate the regular reports and reconciliations required by the Department of Treasury and OST/OTFM management. Preparing them is a labor-intensive process, for example, the SF-224 report, a regulatory monthly cash transaction report required by Treasury, takes the entire month to prepare.

Finally, there is no association of Trust real estate assets with IIM accounts, although this enhancement is planned. IIM statements currently do not include a list of real estate holdings and investment holdings and transaction activity associated with the account, so beneficiaries can validate their holdings with income to their accounts on a regular basis.

The Data Quality and Integrity project, an initiative underway to improve the quality of Trust data, will address some of the problems regarding errors and inconsistencies within IIM accounts. This effort will establish a centralized data warehouse to store valid data with the ability to link with multiple systems, and sustain a single, approved set of critical data elements. This will directly address the problem of different Trust units not using the same data ownership, realty and payment data. However, it will not address the root causes of errors and inconsistencies, which have been outlined above.

Finding 1 Quick Hit Recommendation

Establish an IIM account tracking process. Until title and accounting systems can be effectively integrated, BIA Agencies and OST/OTFM should monitor decedent account activity to ensure that income can be linked to the appropriate Trust assets. This will ensure that income generated after the death of a beneficiary can be appropriately distributed to heirs and devisees in a timely manner.

Finding 1 Longer Term Recommendations

1. Build a data warehouse.

As recommended in Section 5.2.3.3 - Technology and Information Sharing earlier in this chapter, build a data warehouse that will house all critical components of information and allow appropriate units to access information for informational, reporting, or processing purposes. Once the warehouse is available, put the information currently maintained manually and stored in a paper-based system into the new automated system.

2. Enhance TFAS capability.

TFAS is critical to the management of Trust accounts. Therefore, enhancements to the system, such as the following, will improve the efficiency and effectiveness of the accounting function:

- a) Increase the use of the “memo tickler” capability in TFAS. Record important information associated with accounts, especially anything of which BIA, OST/OTFM, and Compacted and Contracted Tribal Offices may need to be aware if



a beneficiary makes an account maintenance or disbursement request in another region. This will accelerate the completion of requests and reduce errors.

- b) Follow through with enhancements to TFAS that are planned or already underway, such as associating assets with IIM accounts.
- c) Add reporting capabilities to TFAS to automate Treasury and in-house management reports and reconciliations as much as possible.

Finding 2: Accounting transactions are overly complicated and labor-intensive.

As described in Chapter 4, most account maintenance and financial transactions are initiated by field offices, but completed by the OST/OTFM Central Office.

Complicated forms and the amount of required documentation cause account maintenance and disbursement requests to be confusing to beneficiaries and labor-intensive for BIA and OST/OTFM staff. Field staff reports difficulty in helping beneficiaries fill out these forms and in understanding supporting documentation requirements.

Account maintenance and disbursement request forms must currently either be notarized or witnessed by a DOI employee. In remote areas where it is inconvenient to go to a BIA or OST/OTFM office, it is usually difficult to locate a notary public. This is a particularly trying issue in Alaska, where many villages don't have a notary. It sometimes costs more than the account balance for a DOI employee to travel to a remote area to witness signatures. Another concern voiced frequently by work session participants was that notaries charge up to \$8 per page.

Hard copy work tickets, forms, and back-up documentation must be faxed to the OST/OTFM Central Office for review, approval, and encoding of transactions to TFAS. There may be several pages of documentation required to support one request. This process results in massive amounts of paper to be batched and logged by the Central Office Accounting Processing Control Desk, then logged in and out of Pre-Quality Assurance (QA), Encoding, Post-QA, and possibly the Issues team, before being sent to the OST Office of Trust Records (OTR) for archiving.

The document and records management issues mentioned earlier in this chapter add layers of complexity to transaction processing. OST/OTFM field staff is required by regulations to keep only the current and previous year's files. Anything older than two years must be sent to the OST/OTR with all the contents for archiving. Retrieving records from OST/OTR is a lengthy process. Therefore, beneficiaries may be requested to provide duplicates of documentation when their account status changes, or to complete account maintenance or disbursement requests. Some of the requisite documentation may be difficult to obtain in the first place, so requesting duplicates often angers beneficiaries and delays completion of transactions. To make matters worse, field staff reports that they are frequently asked by OST/OTFM Central Office to submit the same documentation several times, or to submit additional documentation.

The result is that in addition to the frustration caused for beneficiaries and field staff, it is difficult for anyone to predict how long account maintenance, funds transfers, or disbursement requests will take to complete. Field staff reports elapsed time of anywhere from one day to several



months, and cite numerous examples of hardships imposed on beneficiaries whose disbursement requests took too long.

This method of transaction processing stands in sharp contrast to the commercial trust document imaging and automated workflow best practices described in Chapter 3.

Finding 2 Longer Term Recommendations

1. Implement document imaging.

As recommended in Section 5.2.3.4 – Technology Tools, implement document imaging and retrieval capabilities so beneficiary documents and records can be scanned once and made available to appropriate DOI staff nationwide. This will eliminate the need for beneficiaries to provide documentation multiple times. Identify alternatives, such as document imaging, to notarization by a DOI witness in order to certify accounting transaction forms.

2. Simplify input forms.

- a) Streamline account maintenance and disbursement request forms so they are easier to understand and complete.
- b) Make forms, requirements, instructions and procedures available online to DOI staff
- c) Make forms and instructions available to beneficiaries electronically
- d) Develop beneficiary instruction cards or brochures that explain procedures and requirements, and have them available in BIA and OST/OTFM offices.

3. Implement workflow or case management technology and improve workflow tools.

As recommended in Section 5.2.3.4 – Technology Tools, implement workflow or case management technology to manage the information and processing flow and ensure that essential steps and controls are taken, as well as minimize process loops and rework. (For a description of a commercial trust account management system, refer to Section 3.2.6 – Accounting Management Findings and Recommendations.)

4. Decentralize account maintenance.

Develop enhancements to information systems and appropriate dual controls, so account administration authority resides with designated field officials.

5. Establish an accounting technician position at each BIA Agency or Field Office to handle account maintenance requests.

Issues can be resolved more efficiently at the local level because BIA Agency and Field Office personnel are familiar with beneficiaries within the communities they serve.

6. Review documentation requirements

After the above steps have been implemented, the documentation which is required for opening and maintaining accounts should be reviewed. The purpose of the review would be to determine if documentation had previously been supplied or required documents could be imaged.



Finding 3: There are numerous issues within the Collection process that interfere with timely deposit and posting of funds to appropriate beneficiary accounts.

Distribution advice for leases and permits has large error rates. As noted in other areas, parcels of land may have hundreds or more than a thousand fractionated interest owners. When a parcel of land is leased, the appropriate BIA program office sets up a file that lists all interest owners with corresponding IIM account numbers and interest percentages for payment distribution. In most cases this information is encoded in the Lease Distribution module of IRMS (or the MAD system in Great Plains). These systems create electronic batch updates to TFAS. However, due to the multiple systems of record, all ownership records may not be correct or consistent with one another. One incorrect ownership record can suspend an entire batch transaction because payments cannot post to TFAS until every transaction is correct. This problem is compounded throughout the term of a lease due to conveyances of ownership or financial interest. In regions where a lease distribution interface file is not used, BIA program staff must manually prepare distribution information for the Authorized Collection Officer, who submits checks and distribution advice to OST/OTFM for the preparation of work tickets for each transaction. In these cases, OST/OTFM Accounting Processing will reject incorrect transactions, but the amount of work necessary to correct a rejected transaction may be two or three times that of the original.

BIA offices used to routinely deposit funds that couldn't be distributed due to records discrepancies into special deposit accounts (SDAs) so the money could earn interest until discrepancies were resolved. This practice resulted in many SDAs with large balances, because field staff did not find the time or information to resolve them. An initiative is underway to "clean up" these accounts, and the current policy is to use them only as a last resort. However, a few regions continue to use SDAs because the majority of lease payments are due at the same time each year, and they do not have the resources to process large volumes of payments to be distributed to multiple interest owners in a timely manner.

Compliance with the policy of depositing funds within 24 hours of receipt is inconsistent nationwide. When lease payments are received and preparation of distribution advice is problematic due to discrepancies or sheer volume of work, BIA offices may simply hold checks until distribution advice is correct. Agencies located in remote areas often have no choice but to send deposits to the OST/OTFM Regional Office via regular mail or literally drive several hours to hand carry them. In addition, sometimes an OST/OTFM office receives too many deposits on one day to process all before the bank cut-off time.

Field staff also expressed concerns about lack of adequate internal controls and back-ups for the collection process at BIA offices. Although BIA as a whole is audited independently, there is no independent audit of the collection process at BIA Agency and Regional Offices.

Finding 3 Quick Hit Recommendation

Implement interim methods of monitoring lease and permit payment compliance and Direct Pay compliance.



Finding 3 Longer Term Recommendations

1. Automate and centralize the collection, deposit, and posting process.

This recommendation is dependent on the Recommendations for Findings 1 and 2: accurate ownership records, the association of assets with IIM accounts, document imaging, and an automated Accounts Receivable system. The accounts receivable system should have capabilities to track effective dates and termination dates of leases and permits, link to asset and ownership information, send invoices for payments due, accept interface updates of payments received, auto-distribute to beneficiary accounts, project cash flow, and monitor payment compliance. Invoices would contain remittance stubs with bar coded payor and asset codes tied to ownership information and payment amount. Lockbox services would be contracted with a central bank to open mail, scan bar coded payment information into an interface file, and deposit checks. The payment interface file would then be uploaded to TFAS, and funds automatically distributed to appropriate accounts. (See Section 5.2.3.1 – Broad Trust Management and Asset Stewardship for further detail.)

Consistent internal controls should be implemented for the collection process at BIA offices. However, a centralized collection, deposit, and posting process would have numerous benefits: it would provide much better controls for depositing and posting funds to beneficiary accounts in a timely manner. Auditing a centralized process would be much more practical than auditing processes at offices nationwide. A centralized collection process would also eliminate many process steps performed at Agency and Regional Offices, thereby relieving BIA program staff of the burden of preparing lease and permit distribution advice, and relieving OST/OTFM field staff of preparing deposits and creating paper or electronic work tickets for distribution advice. This would allow field staff more flexibility to provide beneficiary service and focus on functions that must be performed in the field.

2. Consider eliminating or minimizing Direct Pay.

When systems and data are better integrated, the timeliness and predictability of distributions and disbursements should improve to the point that Direct Pay is no longer needed. If Direct Pay arrangements continue to be allowed in the long term, compliance monitoring and enforcement could be included in the automated accounts receivable system. For example, payors could be required to remit payments via electronic funds transfer (EFT). When the EFT is initiated, an electronic notification of payment could also be sent to the bank that provides lock box services. These payment notifications could be uploaded to the accounts receivable system and trigger follow-up activities for non-payment. (See Section 5.2.3.1 – Broad Trust Management and Asset Stewardship for further detail.)

Finding 4: Poor communication between OST/OTFM and BIA contributes to problems in providing services.

Field staff reports a lack of communication between OST/OTFM and BIA personnel that contributes to problems in providing Trust services. The problem exists between BIA and OST/OTFM in the field, and between the field and the OST/OTFM Central Office. Part of the



problem has been a lack of written guidance and procedures for accounting transactions, which is now being addressed by the BIA/OST Inter-Agency Procedures Handbook.

New directives and requirements are not always clearly communicated from OST/OTFM Central Office to the field, and this problem is compounded in areas where there is poor cooperation between BIA and OST/OTFM. BIA and OST/OTFM field staff complains that Pre-QA reviewers in OST/OTFM Central Office reject many accounting transaction requests because different people interpret regulations differently. Rejected requests are a particular sore point in the field because accounting transaction processing is already labor-intensive, and the amount of work to resolve a rejected request, as previously noted, may be three times that of the original. Beneficiary service suffers as a result of this.

Finding 4 Quick Hit Recommendation

Continue with the Inter-Agency Procedures Handbook training initiative already underway.

Finding 4 Longer Term Recommendations

1. Develop electronic reference/help.

Providing electronic reference/help to BIA and OST/OTFM staff can be developed and implemented relatively quickly, and can be expanded and upgraded on a continuing basis.

2. Create a “single point of contact” position to oversee daily operations.

Such a position will facilitate communications and issue resolution between BIA and OST/OTFM. This should also result in improved services to beneficiaries.

3. Conduct periodic meetings between BIA and OST/OTFM at all levels.

Resolve issues and unclear responsibilities, and identify additional opportunities to improve communications between BIA and OST/OTFM

Accounting Management Observations

1. DOI employees are hard working and dedicated to providing the best service they can under the current environment.
2. The diversity of the Indian population and differing cultural patterns contributes to problems with obtaining required documentation for account setup, maintenance, and financial transactions. Indians born in the 1930's and prior may not have birth certificates. Indians often take on different names without legally changing them, and in some tribes, members have three names that are all legitimate. Indians also may have “traditional” marriages where there is no legal documentation, and they may not value the importance of other legal documents such as birth certificates and Social Security cards.



5.3.8 Cadastral Survey Services Findings and Recommendations

The findings and recommendations of the As-Is Model project correspond with three of the recommendations made in the *Trust Reform, Final Report and Roadmap* dated January 22, 2002, Develop a Schedule to Address Cadastral Survey Backlog, Develop a Process for Requesting Cadastral Surveys, and Improve the Cadastral Survey Budgeting Process. The recommendation from the Roadmap to create a Survey Working Group was implemented by DOI earlier in 2002. Findings 4 and 5 of this report support the remaining Roadmap recommendation – Assess the Feasibility of Expanding the “Yakama” Project.

Finding 1: There are no known policies and procedures available to advise Tribes and BIA in which situations surveys are needed and whether or not a non-BLM or official Cadastral Survey is required. This, combined with the perception that BLM lacks adequate resources to provide survey services, leads some BIA Field Offices to not request a service on behalf of beneficiaries from BLM, or to request the wrong type of survey service; to put the survey need on hold and advise the requestor it cannot be fulfilled; or to contract with private surveyors or use in-house staff who may not be qualified or properly guided to correctly perform the work.

Surveys play a vital role in Trust management as they are necessary to determine legal ownership of land assets. Cadastral Surveys, as performed by BLM, accurately identify land boundaries and distinguish property rights between adjacent Trust, public, and fee landowners. BLM performed Cadastral Surveys are considered the standard and carry the full authority and weight of the United States government and can best protect Trust assets. The failure to request the appropriate type of survey services, combined with the failure to request them when they are needed, can impact a wide variety of Trust needs and situations, noted below.

The tendency of beneficiaries and BIA Agencies to not request BLM survey services has been fueled by a historic lack of funding and has led to a perception by Tribes and individuals that their needs are not going to be addressed. The result is their not asking for the survey service, or finding alternative methods of receiving the service. These alternative methods at times include having surveys performed by unqualified and unauthorized personnel, as well as contracting with private survey companies that may not be in compliance with 25 USC 176. The net effect of this is duplication of effort as surveys have to be redone by BLM to be legal, jeopardizing individual and Tribal assets by erroneous boundary locations and acreages that could result in lawsuits, and affecting rights and values associated with the asset.

Many boundary and title related problems are caused by errors made by private contractors or BIA in-house staff completing surveys that may cause payment errors of Indian Trust monies. The legal description used for transactions such as leases or fee-to-trust or trust-to-fee may reflect significantly erroneous acreage due to ancient government surveys, current private surveys, or BIA/Tribal surveys. The Quinault Tribe, who is now having BLM resurvey allotments once surveyed by private contractors that resulted in incorrect boundaries and inaccurate timber revenue produced from an allotment, highlights the problem.



In the future, BLM will not have the ability to address all the survey needs identified in Indian country due to retirement and recruitment issues. Therefore, even more outsourcing to either Tribes or the private sector will be warranted. The law states that surveys on Indian lands are to be under the direction and control of BLM, which could allow private contractors to provide certain survey services not considered inherently federal, through oversight by BLM. With the exception of Alaska, there is currently no oversight or monitoring of the work provided by non-BLM sources.

Finding 1 Longer Term Recommendations

1. **Develop the policies and procedures necessary to assist Tribes and BIA determine when surveys are needed, what type is warranted, and who should perform the survey.**

Accompany this with appropriate communication programs to convey better understanding of the guidelines to Indian country.

2. **Decide how and when to contract with private surveyors.**

Develop a method to identify and approve private surveyors to provide non-BLM surveys and assist with BLM surveys, similar to the BLM Mineral Surveyor Program. BLM would provide oversight and record keeping, ensuring the surveys meet their standards and are accurate.

3. **Modify the Project Office concept.**

Send survey teams to areas with high priority Cadastral Survey needs for a four-to-five year timeframe to complete the surveys and then move the teams to other locations. This would provide an accelerated method of completing the highest priority needs of a region and ensure Trust assets are properly identified and recorded. Assess future BLM recruitment needs for these teams.

Finding 2: A very significant backlog of unmet survey needs exists throughout Indian country in the lower 48 states.

Preliminary inventories by BLM indicated a five to six year need estimated to cost \$60 million with another \$50 million need projected over an additional 10 years. BIA funded about 100 BLM executed Cadastral Survey projects of Trust lands in fiscal 2001 at an approximate cost of \$4.6 million. In fiscal year 2002, BIA funded 130 projects at an approximate cost of \$5.5 million. These projects range in size from less than one mile of survey in size to several hundred miles and are primarily the highest priority needs identified by BIA. (See Appendix L for detail) The funding identified in Finding 3 is for these high priority needs, only. BIA offices and Tribes do not keep specific metrics of all the survey needs within their areas but all offices interviewed confirmed that a significant backlog exists. The backlog for unofficial administrative surveys also exceeds the resources available.



Finding 2 Longer Term Recommendation

Complete the inventory of survey needs.

To determine the true extent of the backlog, the current initiative by BLM and BIA to inventory the survey needs should be completed. The data should be entered into the automated request system and data store now under development by BLM Headquarters and BIA Central Office. The system will allow prioritization of critical needs and a more equitable distribution of funds to meet Trust management responsibilities. This system and inventory should be completed as quickly as possible.

Finding 3: The funding process between BIA and BLM for survey services appears to be slow, and not equitable or appropriately reflecting priorities. This has caused delays in trust-to-fee transactions (disposals), timber sales, mineral permitting, resolution of trespass cases, identification of housing sites and awarding of mortgages, and business development plans of Tribes. Delays in some areas were reported to be several years.

For the past two years, new funding for high priority needs has been provided; however, issues with the process of distribution remain. These issues include priority setting criteria, perception of the amount of survey needs in the field, and the existence of BLM/BIA/Tribal Project Offices.

Funding for Cadastral Survey services is appropriated by Congress to BIA, which in turn works with BLM Headquarters personnel to allocate funds to the regions. The funding is given to the BLM State Offices to support the regions within their area. Currently, the funding is not distributed to the BLM State Offices based on any known priority setting criteria. This results in some BLM State Offices receiving a smaller amount of funding than is necessary for high priority needs in BIA regions they support. Another consideration in the funding distribution is the existence of BLM/BIA/Tribal Project Offices within the region since they receive funding, first. Once they have received their funding, Project offices may be completing low priority surveys at the expense of high priority needs of the region.

In some regions, there is an inconsistency in the type of surveys being subsidized by BIA among Tribes. For example, HUD housing surveys or surveys of individual allotments may be funded in some regions and not in others. Some Tribes must pay for having a survey accomplished, others are funded by BIA. This is dependent on the policy of each regional BIA office.

In a recent cost analysis study by BLM, two fiscal years were studied to determine a national average cost per survey mile for illustrative purposes. The national average cost has remained nearly the same over the two years.

- a) 2001 National average cost \$2,274/mile
- b) 2002 National average cost \$2,051/mile.

The states studied attributed the lower cost in 2002 to a reduced BLM surcharge on funds provided by BIA and to the increased use of technology that resulted in greater efficiencies.



There is, however, one predominant factor that is causing costs to increase. Cadastral Surveys are becoming increasingly complex and staff is spending more time conducting office research. As the populations of the Indian reservations continue to increase, fee and Trust lands within reservations are being developed for residential, agricultural, and commercial purposes. With complexities of ownership patterns, the increased usage, and increasing land values, a corresponding increase is being created in the need for boundary protection and maintenance to protect Trust and private property rights.

Finding 3 Longer Term Recommendation

Redesign the survey funding process and consider providing BLM a budget for Indian Trust Cadastral Survey program management.

A priority setting process needs to be developed that takes into equal consideration the needs of the Tribes as well as the individuals. Lack of surveys is resulting in loss of income from revenue producing activities such as timber sales, oil and gas leases, and mineral leases. In the future, consider using the revenue from these activities to provide funding for the required surveys.

Also consider changing the current survey services funding process to provide BIA commitment of funding at the beginning of the fiscal year to BLM. Currently, there is no commitment for funding until the money is made available late in the second or third quarter of the fiscal year. This leaves BLM without the ability to pursue the identified priorities until the funding is made available.

Finding 4: The ability to identify and validate needs as well as provide a research source for survey projects and litigation is hampered by the lack of an automated system that provides access to ownership and survey records.

There isn't one comprehensive DOI system where all offices can input and individuals can retrieve information related to parcel ownership, encumbrances, adjoiner information, and surveys. Tribes and other DOI Bureaus are performing their own surveys without Secretarial authority and without providing records to a central records system.

There is no standard agreement in place between BLM, BIA and Tribes to distribute survey records when completed. Presently, survey records may or may not be distributed to regional offices, agencies, LTRO's, Tribes, and requestors resulting in a splintered record system.

Those Tribes that contract with private surveyors resist providing private survey information to the government as they feel it is proprietary. Therefore, private survey information is usually not recorded on TSR's or in any other record keeping system, this may impact individual or Tribal Trust assets.

Finding 4 Longer Term Recommendation

Centralize all survey and land record keeping activities into one entity within DOI.

There is a need for one unified automated land information and record processing system that is compatible with other record systems and easily accessible by everyone needing the information.



The system could include survey and land ownership information and be integrated with other federal automated record systems, such as title systems. Encourage Tribes to provide private survey records in the system so their land information is included. See Section 5.2.3.3 – Technology and Information Sharing for further detail.

In order to lay the foundation for one unified automated land information and record processing system, BLM should consider establishing standards for digital and scanned survey records and their distribution. Today, each BLM State Office determines how electronic survey records will be created and stored as well as their distribution to BIA, Tribes, requestors, and the public. Standards are already in place for paper copies of survey records.

Finding 5: As a requirement for land title, land transaction, and management decision-making processes, the Public Land Survey System (PLSS) on Indian lands needs to be maintained at a comparable level as provided for federal and private lands. However, this maintenance rarely occurs for Trust assets.

Many requests from individuals and Tribes for Cadastral Survey services are the result of the lack of on-going maintenance of the PLSS. This lack of maintenance is leading to an accelerating loss of original boundary evidence, much of which is over 100 years old. The cost to restore lost boundary evidence is significantly more than if the original boundary can be recovered and perpetuated. Some original boundary evidence is little more than sticks and stones and should be replaced with more permanent monuments. The loss of original evidence may lead to litigation that averages \$350,000 per lawsuit (see Chapter 3, Industry Standards).

The loss of boundaries of individual allotments and reservation boundaries may cause unauthorized uses and theft of Trust resources i.e. timber, minerals, oil and gas; and raises questions of jurisdiction related to law enforcement. There is no money provided for the day-to-day survey and boundary maintenance needs of the Indian people and Tribes, only the high priority project funding mentioned earlier. However, a few BLM/BIA/Tribal Project Offices may have accomplished their initial priorities and are now in a maintenance mode. Maintenance includes locating and restoring deteriorated monuments, expanding the Geographic Coordinate Database (GCDB), and developing accurate automated boundary records into a comprehensive land record system (see Finding 4).

Finding 5 Quick Hit Recommendation

To further the capability of maintaining the PLSS in Indian Country, deliver the BLM developed training course “Land Tenure in Indian Country” to all BIA regions within the next year. In some instances, a lack of understanding of the criticality of boundary evidence is leading to its deterioration. This course is a collaboration between professionals, from different federal agencies, involved with realty (title), cadastral survey (boundary), and appraisal (value) principles for federal real property management programs and should include Tribal participation.



Finding 5 Longer Term Recommendation

Determine how to fund long-term maintenance of the PLSS.

BIA and BLM need to work together to determine how best to fund long-term maintenance of the PLSS in Indian Country. This would be in addition to the high priority surveys that are currently being funded.

Cadastral Survey Services Observations

1. Almost all offices have their own form of a tracking tool - some automated, some manual. There isn't a consistent or comprehensive method of survey tracking.
2. Surveys are not filed in a "survey file" at Agencies/Tribal offices. They are filed in project or allotment folders which makes it harder to find results when needed, later.
3. The TSR often has inaccurate land description information. There is a backlog of title updates from current survey records. The survey is not recorded on the TSR, just noted, assigned a number and filed.
4. Legal descriptions for transactions such as Probate Orders, homesite leases, and Rights of Way are being written by staff not adequately trained in writing legal descriptions and at times can be inaccurate; this may cloud title and affect individual assets. Currently, there may be several different written descriptions for the same parcel, but only one can be accurate. Inaccurate legal descriptions may cause inaccurate payments to IIM account holders.
5. The same standards and survey requirements that apply to the private sector for title are not applied in Indian Country; i.e., lender requirements, subdivision of lands, Rights of Way and easements.



6 Trust Business Way Forward

6.1 Introduction

There are many challenges ahead for the Department in its pursuit of Trust Reform and modernization. Integrated, coordinated change will need to touch all areas of the Indian Trust, including strategic planning, people and organization alignment, beneficiary communication, technology and data, and work processes. During this major transformation effort both cross-process change as well as detailed, process-specific reengineering will be required. DOI will need to go well beyond incrementally revising the existing eight core Trust processes. It should redefine its core processes consistent with the Service Delivery Model described in DOI's *Comprehensive Trust Management Plan*, and then develop new process flows and interactions that will be conducted with improved inter-related areas, such as the universal support functions. The change effort will have to be a massive, DOI-wide transformation encompassing all aspects of the Trust.

In any organization, implementing major change is not an easy undertaking and is usually met with varying degrees of resistance. Due to the Department's long history, the decentralized nature of the current trust management processes, and the lack of integrated systems and standardized processes, the implementation of the changes necessary to achieve Trust reform will have a tremendous impact on the working culture of the Department. The organizations and people associated with the Indian Trust will need to learn new ways of doing business, most significantly in their approach to providing service to beneficiaries. In planning the *Way Forward*, management and integration of change will be a critical element to address.

6.1.1 Purpose

The As-Is Model presented in this document establishes a comprehensive understanding of how Trust operations are currently conducted. With the completion of this modeling and analysis effort, DOI can begin to plan for the To-Be Trust Business Model (hereafter referred to as the To-Be), where real innovation and change should result. The purpose of this chapter is to discuss next steps, or, the "Way Forward".

DOI continues to develop the *Comprehensive Trust Management Plan* to guide the Department's trust modernization efforts and respond to the Cobell litigation. The focus of this chapter is to provide some specific, tactical recommendations on how to manage and implement such a large change plan. From EDS' experience working with DOI and other business transformation initiatives, the key elements of a successful project will be to:

- a) Build the right team for developing and implementing the To-Be, to include DOI executive sponsorship and Indian Trust beneficiary participation
- b) Engage Tribal representatives
- c) Execute a focused internal and external communication program
- d) Conduct a planned approach to managing change
- e) Put into place robust project management techniques
- f) Build an integrated plan for Trust-wide transformation
- g) Launch a series of Quick Hits to achieve near-term improvements and build momentum
- h) Secure adequate funding and resources



These topics will be addressed in the pages that follow.

6.1.2 What is the To-Be and Why is it Needed?

The To-Be is the new integrated design for Trust management within DOI. As discussed previously, the To-Be should not only encompass reengineered and new Trust business processes, but also include coordinated improvements in supporting systems, organizations, training, and personnel requirements, combined with an internal and external communication plan. Attaining the real change needed for the To-Be will not happen quickly and will require participation and buy-in from many people.

The need for the To-Be is clear, as evidenced through the findings presented in Chapter 5. In general, the To-Be is required in order to:

- a) Increase satisfaction of individual and Tribal beneficiaries
- b) Precisely track and distribute trust assets
- c) Better position DOI to meet its fiduciary responsibilities
- d) Respond to court rulings

Furthermore, the To-Be will need to address:

- a) The inconsistency of processes, systems and data used across regions and agencies
- b) The inability to adequately monitor and measure the performance of trust processes

6.1.3 Relationship to the *DOI Trust Reform Report and Roadmap*

In the January 2002 EDS report, *DOI Trust Reform Report and Roadmap*, a framework for Trust reform was presented. The As-Is Model was one of the proposed first steps in the roadmap, and the To-Be development phase represents one of the next critical steps. For the purposes of linking the previous EDS study to this As-Is Model, the Trust Reform Framework and corresponding steps are presented in **Table 6.1-1** and **Figure 6.1-1** that follow. Added to the framework steps are example accomplishments; however, the table is not an all-inclusive list of progress made over the past year.



Table 6.1- 1 Example Trust Reform Accomplishments and Planned Activities

Trust Reform Framework Process Steps	Descriptions	Example Accomplishments and Planned Activities
Establish Trust Management Framework	This step establishes the roles, responsibilities and organizations that are necessary to manage and oversee Trust Management. Trust leaders assume their fiduciary and legal responsibilities. The Executive Sponsor is appointed and, with collaboration of the Trust Board, will become intimately familiar with Tribal needs. The Trust Program Management Center (TPMC) is established to provide program management support.	After consultations with the Tribal Task Force on Trust organization, on December 4, 2002 the Department announced a revised organizational approach intended to establish clear accountability for fiduciary responsibilities and meet other short and long-term objectives.
Develop Trust Business Strategy	Based on their fiduciary responsibility and understanding of Tribes and individual needs, Trust leaders develop business objectives and strategies to direct and align enterprise improvement activity. Methods to measure and monitor business performance are established. Specific processes are targeted to achieve improvement goals.	OITT developed the first draft of the <i>Comprehensive Trust Management Plan</i> in June 2002, outlining a Trust mission, strategic goals and objectives for the management of the Trust. Specific performance measures for the goals and objectives will also be developed. In addition, the Department developed an action plan that was used as input to the court-required plan of January 6, 2003.
Improve Trust Performance	This step acts on the process improvement mandates set in the previous step. Process Owners are appointed to drive the definition of the process, establish process performance measure, assess current process performance and identify improvement opportunities. The assessments evaluate all of the components of the Enterprise Architecture: process design, Technology & Data and Organization & People.	As part of this As-Is Model study, DOI process sponsors have worked with the EDS team to identify and document eight core business process areas as well as performance measures and metrics. This As-Is report includes improvement recommendations for each of the process areas, cross-process areas, and performance measurement. Recommendations are primarily process-oriented, but also cover some Technology & Data, Organization & People issues.
Align Technology & Data	Process Owners, in their assessments, consider the quality of technology and data in support of process performance.	Through the Data Quality Analysis project, DOI is developing plans to verify and protect fiduciary data. Also as part of the project, DOI is identifying critical data elements, determining owners of the data elements, and establishing a data repository and warehouse.



Trust Reform Framework Process Steps	Descriptions	Example Accomplishments and Planned Activities
Enhance Resource Effectiveness	Process Owners, in their assessments, consider the effectiveness of the workforce to process performance.	DOI is continuing to: identify trust employees, develop individual development plans, develop FY 2003 staffing plans, and complete workforce plans for FY 2004 – 2008. A recent workforce planning workshop was conducted for Deputy Regional Directors, and other training sessions have been held for regional management teams.
Select Integrated Solution	Process Owners and Trust Leaders will evaluate assessment results that indicate the need to improve performance levels and decide how it can best be accomplished. Internal and external options (buying commercial software, outsourcing) will be considered. Applicable improvement approaches will be determined.	The To-Be development phase will begin following the completion of the As-Is Model. During the To-Be, the results of the As-Is will be assessed, and appropriate solutions for future process improvement will be identified. Implementation of the To-Be will be a multi-year undertaking.

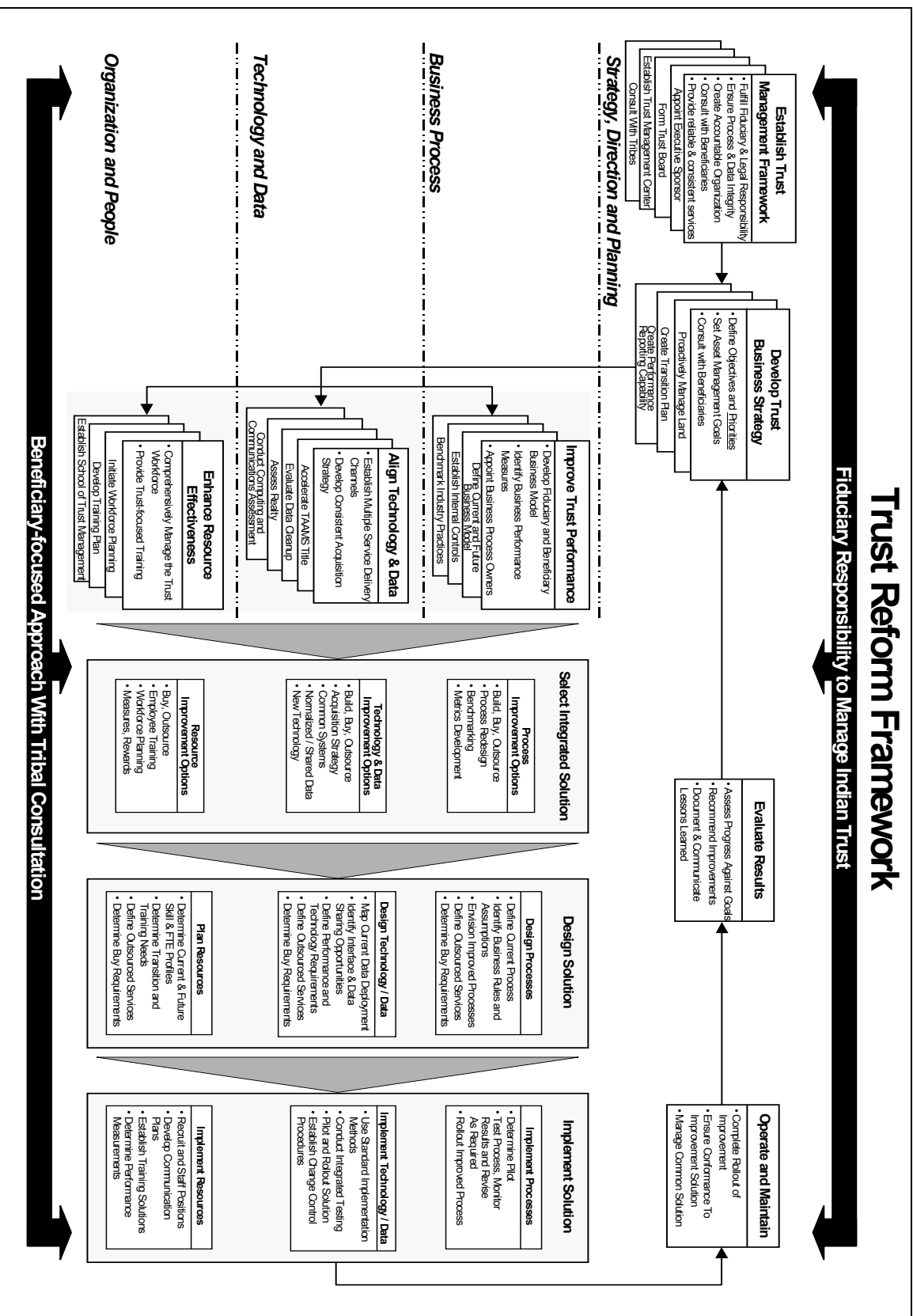


Figure 6.1 - 1 Trust Reform Framework

6.2 Bridge to the Future

This section highlights some key elements to consider in planning for and developing the To-Be, including suggestions for getting started on the To-Be, managing large-scale change, utilizing a project management office, and finally, major steps in designing and implementing the To-Be.

6.2.1 Creating Management Structures and Building Blocks

In the planning and early development of the To-Be, it will be important to emphasize and communicate the urgency of change, to build a “best and brightest” team with the right participants, skills and knowledge, and to secure senior management and Tribal involvement. It will be important to establish a solid framework so the teams can perform their responsibilities efficiently, and have an appropriate mechanism in place that will coordinate the To-Be phase with the other Trust-related initiatives. The activities illustrated in **Figure 6.2-1** should begin immediately following the completion of the As-Is phase. They are described in more detail in the next sections.

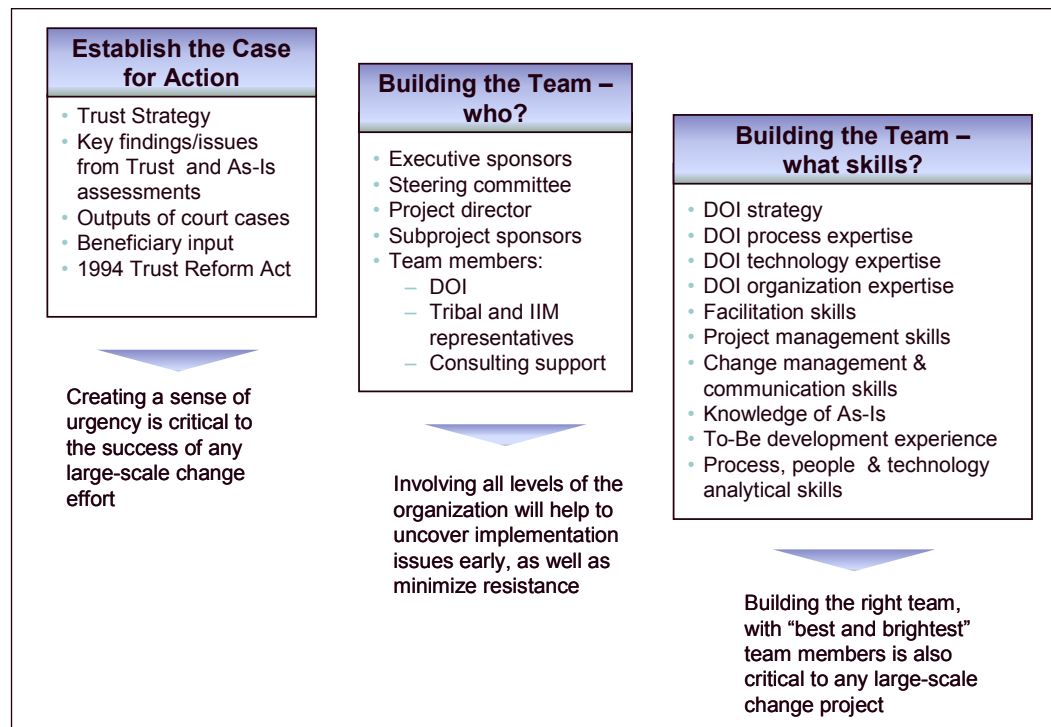


Figure 6.2- 1 Getting Started on the To-Be

6.2.1.1 Establishing the Case for Action and Communicating the Plan

At the onset of any large-scale change project, it is important to explain and communicate to the organization and external parties what is driving change and why it is required. Creating a sense of urgency will help mobilize people to become involved and support the program of change. For the most part, this sense of urgency has already been communicated to those involved with the Indian Trust. The Secretary has established Trust reform as a high priority and is committed to implementing major change and addressing problems within the management of the Trust. The Department has completed several studies and various projects are underway, all with the end

goal of significant reform. While the urgency for change is evident, it will be important to keep the momentum going through regular briefings and other communications. Therefore, a communications plan should be developed which identifies milestones for accomplishment, specific audiences, messages and what means/media will be used to deliver the intended messages.

6.2.1.2 Building the Team

Building the right team is another critical element to any large-scale change project. Participation from all levels of DOI involved with Indian Trust functions and processes will help to uncover implementation issues early, as well as minimize future resistance. Executive sponsors must be visible, and remain active throughout the To-Be. DOI leaders from multiple organizations and bureaus should be involved and held responsible for tasks associated with the development and implementation of the To-Be. Team members will need to be communicators, with the ability and authority to resolve issues and promote ideas to their organizations. In addition, the To-Be phase will require dedicated team members; i.e., staff who are relieved of regular responsibilities for a period of time. The Department has made an important first step in building the team by identifying process sponsors for the functional areas studied in the As-Is phase. These sponsors have gained valuable knowledge through their participation in the extensive field interviews and assembly of information that was part of the As-Is Model development.

Table 6.2- 1 presents additional recommendations for building the To-Be team, including whom to involve, what roles should be established, and what skills and knowledge are required. Specialized training in reengineering analytics, approach and implementation may be required for the team members.

Participants Should Include...	Roles Should Include...	Knowledge/Skills Should Include...
<ul style="list-style-type: none"> DOI leadership DOI process sponsors and other DOI personnel who have been significantly involved in the As-Is, and who can champion each of the process areas IIM and Tribal representatives Other Indian Trust interested parties, such as representatives from BIA, MMS, BLM, OHA, OST/OTFM 3rd party reengineering/transformation expertise 	<ul style="list-style-type: none"> Executive sponsors Cross agency steering committee Subproject sponsors Subject matter/process experts 	<ul style="list-style-type: none"> Knowledge of DOI strategy and the <i>Comprehensive Trust Management Plan</i> Familiarity with Indian Trust As-Is Model and the core Trust processes Knowledge of DOI's technology infrastructure and systems Understanding of DOI's organizational structure Project management skills To-Be development experience Change management and communication skills Facilitation skills Process, people, and technology analytical skills

Table 6.2- 1 Building the To-Be Team



6.2.1.3 Securing DOI Senior Management and Tribal Involvement

The changes inherent in Trust Reform must be accepted and adopted by all parties involved with Trust management, including individual and Tribal beneficiaries as well as governmental departments, agencies and bureaus. In order to gain the required acceptance, DOI senior management, including leaders from BIA, OST and Tribes must fully support and participate in direction-setting for the To-Be project and the subsequent implementation of the changes identified. This will ensure the To-Be Business Model reflects the objectives of all interested parties and the unique Trust characteristics imposed by federal and local statutes, treaties and Tribal needs.

6.2.2 Management of Change

Many business process reengineering and technology implementation projects fail to achieve their stated goals due to a failure to address the human aspect of organizational change. Top performing organizations recognize that change must be comprehensive and integrated, and, must focus on the people-related issues associated with managing the change program, mobilizing leadership, and creating the case for change.

As discussed previously, people, organizations, and culture at DOI will present some of the toughest hurdles in implementing Trust Reform. The challenge of getting people to accept changes in their roles and organizational alignments, and learn new or revised policies and procedures, will require a planned approach for breaking down resistance and barriers. In developing and implementing the To-Be, a change management/outreach plan, addressing the following four issues will help to bring about real, sustainable reform.

- a) **Resistance.** To alleviate fears and minimize resistance, the To-Be team should include team members who currently work with each of the Trust processes and will probably be involved in implementing the results. Such key players can help create commitment and eliminate barriers to the reengineering effort.
- b) **Communication.** Acceptance of significant change can be enhanced if everyone involved understands the need for the change, what is expected of him or her during and after the change and why their participation in the change process is so valuable. Thus, simple and concise communication of the project rationale is necessary both internally and externally. Communication includes involving Tribal representatives and DOI staff members, listening to and clarifying concerns, reporting progress, explaining the purpose of the changes, and creating motivation and confidence. Importantly, expected benefits of the To-Be should be communicated to all interested parties to explain “what’s in it for me.”
- c) **Buy-in.** After the need for change has been communicated, the team needs to generate buy-in from the Beneficiaries as well as DOI staff. Although change can be mandated in an organization, it is most effective when all interested parties believe in the effort. Additionally, when people are not involved in the creation and implementation of new processes and technologies, the resulting resistance to change can cripple the most carefully thought-out implementation. Conversely, when people are involved in planning and implementing change, they deliberately work to support its success. In other words, people support what they help to create.



- d) **Commitment.** Commitment to the change means that adequate resources are dedicated to the effort, and the needed education and training are provided for individuals who will be associated with the new environment.

The design and execution of specific activities that address the issues identified above can be coordinated and managed through the To-Be Project Management Office described in the following section.

6.2.3 The Project Management Office (PMO)

Development of the To-Be will be an exciting, yet complex undertaking for the Department. It will require significant coordination, collaboration, and communication among many participants, Tribal representatives, process areas, subject matter experts, leaders, and sponsors. Effective project planning and management will be critical to achieve the desired outcomes of this phase. The past organizational issues and decentralized nature of efforts to improve have hindered meaningful, widespread progress.

A critical element for managing the complex changes that will be launched will be creation of a Project Management Office, with associated personnel capabilities and technology tools that can highlight dependencies and linkages among many different initiatives. This Office should report to the senior leader who is championing the Trust To-Be phase and operate under the auspices of the Trust Program Management Center (TPMC) described in the EDS *DOI Trust Reform: TAAMS/BIA Data Cleanup Recommendations Report* dated October 31, 2001. (See **Table 6.1-1** "Establish Trust Management Framework" process step for a description of the TPMC). As stated in that report:

"Consistent project management practices and artifacts need to be adopted by all reform-related sub-projects and initiatives. All sub-projects need to adopt consistent methods and artifacts for managing schedules, resources, risks, communications and other project management disciplines. These practices and artifacts will be developed and consolidated by the TPMC."

The PMO concept recommends a set of management tasks to be performed during the life of the project by a team of dedicated resources. A PMO charter should be developed that describes project metrics, progress reporting requirements, review processes and meetings, issue resolution processes and the monitoring tools and IT support that the project will need to be successful. When established, the To-Be PMO will be responsible for overall To-Be planning, as well as the coordination of the reengineering efforts of the many interconnecting projects to be initiated. The PMO also ensures the appropriate communication channels and actions are established and fulfilled.

The PMO should be responsible for managing the project team's interactions and coordinates the activities of different groups to make certain they perform effectively together. In directing the endeavor, the PMO should employ methodologies and tools that have proven to be successful in similar large-scale endeavors. A strong project management methodology is built on sound planning, control and monitoring functions comprised of the following disciplines:

- a) Integration Management
- b) Scope Management
- c) Time Management
- d) Cost Management



- e) Quality Management
- f) Human Resource Management
- g) Communications Management
- h) Risk Management
- i) Procurement Management

6.2.3.1 Integration Management

Integration management includes the activities required to ensure the various elements of the transformation are properly coordinated. It involves making trade-offs among the competing objectives and alternatives in order to meet or exceed needs and expectations. The key functions are:

- a) Plan development – taking the results of other planning processes and putting them into a consistent, coherent document.
- b) Plan execution – carrying out the project plan by performing the activities included therein.
- c) Project change control – coordinating change to the project plan across the entire organization.

6.2.3.2 Scope Management

Scope management includes the activities required to ensure that the project includes all the work efforts required and only the work required to complete the project successfully. The following are the key functions involved in scope management:

- a) Initiation – committing the organization to begin the next phase of the project.
- b) Scope planning – developing a written scope statement as the basis for future project decisions.
- c) Scope definition – subdividing the major project deliverables into smaller, more manageable components.
- d) Scope verification – formalizing acceptance of the project scope.
- e) Scope change control – controlling the changes to project scope.

6.2.3.3 Time Management

Time management includes the activities required to ensure timely completion of the project, and is comprised of the following:

- a) Activity definition – identifying the specific activities that must be performed to produce the various project deliverables.
- b) Activity sequencing – identifying and documenting interactivity dependencies.
- c) Activity estimating – estimating amount of effort which will be needed to complete individual activities.
- d) Schedule development – analyzing activity sequences, activity durations, and resource requirements to create the project schedule.
- e) Schedule control – controlling changes to the project schedule.



6.2.3.4 Cost Management

Cost management includes the activities required to ensure that the project is completed within the approved budget and is primarily concerned with the cost of the resources needed to complete project activities. The following are the key functions that make up this discipline:

- a) Resource planning – determining what resources (people, equipment, and materials) and what quantities of each should be used to perform project activities.
- b) Cost estimating – developing an approximation (estimate) of the costs of the resources needed to complete project activities.
- c) Cost budgeting – allocating the overall cost estimate to individual work items.

6.2.3.5 Quality Management

Quality management includes the activities required to ensure that the project will satisfy the needs for which it was undertaken. The following are the key functions that make up this discipline:

- a) Quality planning – identifying what standards are relevant to the project and determining how to satisfy them.
- b) Quality assurance – evaluating overall project performance on a regular basis to provide confidence that the project will satisfy the relevant quality standards.
- c) Quality control – monitoring specific project results to determine if they comply with relevant quality standards and identifying ways to eliminate causes of unsatisfactory performance.

One of the key responsibilities of a PMO is to regularly report on the progress made, and resources expended, toward overall project objectives. These reports also typically include estimates of the effort and time remaining to achieve sub-project milestones and objectives. A common means of enabling senior leaders to quickly identify areas requiring executive attention is to develop a dashboard that summarizes the status of individual initiatives and the relationship and dependencies between initiatives and with external organizations. Such a dashboard would enable leaders to identify and address issues before they impact overall progress towards Reform objectives.

6.2.3.6 Human Resource Management

Human resource management includes the activities required to make the most effective use of the people involved with the project. It includes all the project stakeholders – sponsors, clients, individual contributors, and any others that may be included in the project. The major segments that comprise this management function are:

- a) Organizational planning – identifying, documenting, and assigning project roles, responsibilities, and reporting relationships.
- b) Staff acquisition – getting the human resources needed assigned to and working on the project.
- c) Team development – developing individual and group skills to enhance project performance.

6.2.3.7 Communications Management

Communications management includes the activities required to ensure timely and appropriate generation, collection, dissemination, storage, and ultimate disposition of project information. It provides the critical links among people, ideas and information that are necessary for success.



All involved in the project must be prepared to send and receive communications and must understand how the communications they are involved in as individuals affect the project as a whole. The major segments that comprise this management function are:

- a) Communications planning – determining the information and communications needs of all interested parties. Who needs the information, when will they need it, and how will it be given to them.
- b) Information distribution – making needed information available to everyone involved in the project in a timely manner.
- c) Performance reporting – collecting and disseminating performance information. This includes status reporting, progress measurements, and forecasting.
- d) Administrative closure – generating, gathering and disseminating information to a formalized phase or project completion.

6.2.3.8 Risk Management

Risk management includes the activities concerned with identifying, analyzing, and responding to project risk. It includes maximizing the results of positive events and minimizing the consequences of adverse events. This function is comprised of the following:

- a) Risk identification – determining which risks are likely to affect the project and documenting the characteristics of each.
- b) Risk quantification – evaluating risks and risks interactions to assess the range of possible project outcomes.
- c) Risk response development - defining enhancement steps for opportunities and responses to threats.
- d) Risk response control – responding to changes in risk over the course of the project.

6.2.3.9 Procurement Management

Procurement management includes the activities required to acquire goods and services from outside the organization that are needed to accomplish the task; e.g., hardware, software, office furniture and communications equipment. For simplicity, goods and services, whether one or many, generally are referred to as a product. This management function includes the following:

- a) Procurement planning – determining what to procure and when.
- b) Solicitation planning – documenting product requirements and identifying potential sources.
- c) Source selection – choosing from among potential sellers.
- d) Contract administration – managing the relationship with the seller.
- e) Contract close-out – completion and settlement of the contract, including resolution of any open item.

6.2.4 Designing and Implementing the To-Be

Designing the To-Be will be the most innovative and creative part of the transformation, while implementation may pose some of the greatest challenges. The diagram below illustrates some of the key steps and activities that should be involved in the design and implementation process. Each of the major headings will be discussed in the pages that follow.

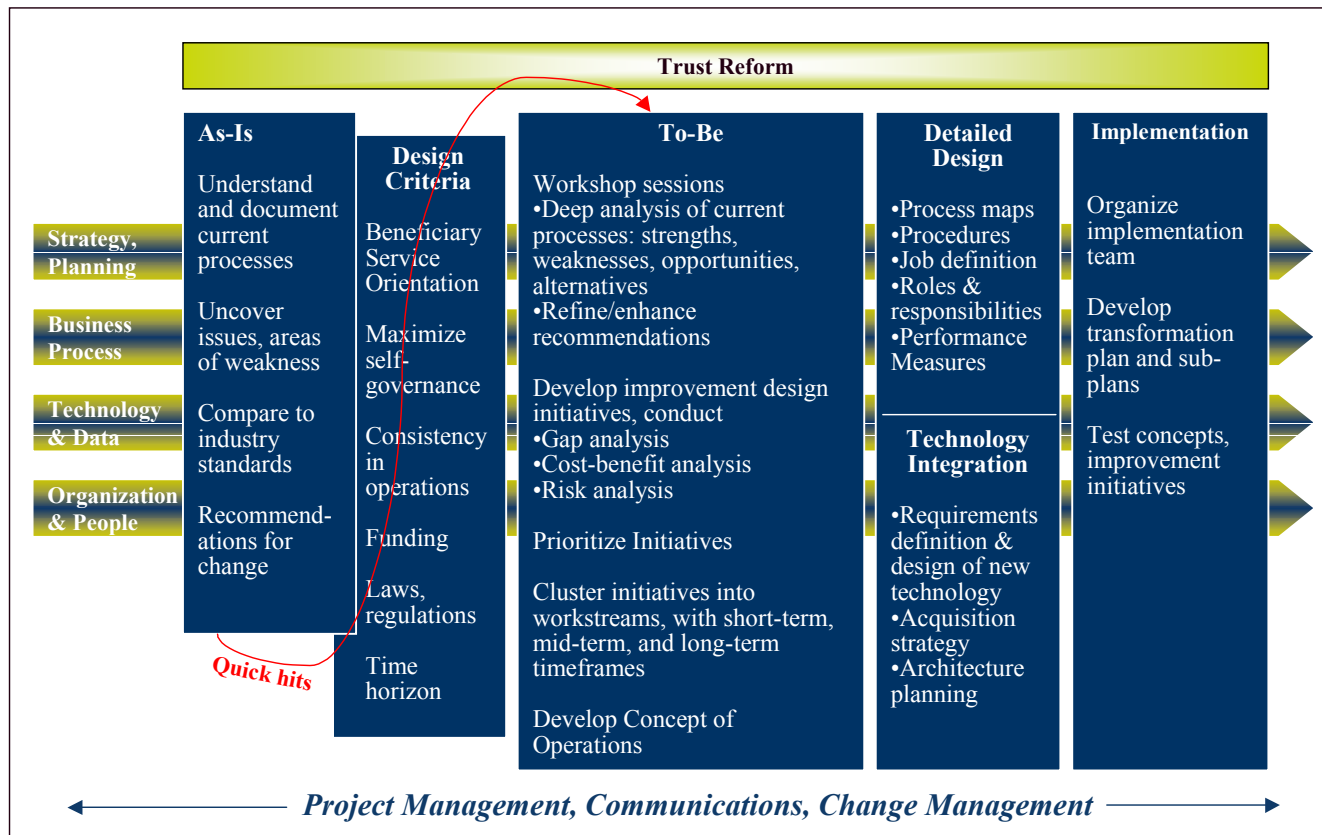


Figure 6.2- 2 Designing and Implementing the To-Be

6.2.4.1 Outcomes of the As-Is

Outcomes of the As-Is can be used to help build the case for change and jumpstart the To-Be. These outcomes are now available to DOI and other interested parties, and include:

- Current processes documented and understood
- Variances documented and understood
- Performance measures and metrics identified
- Opportunities for improvement identified
- Industry standards described
- Initial recommendations for change

Launching Quick Hits

Chapter 5 of this report details findings and offers recommendations for change in each process area, as well as across Trust operations. Some of these recommendations are categorized as “Quick Hits.” In order to build momentum for the bigger changes to come, EDS recommends choosing a set of initiatives from these Quick Hits to implement that will be visible, can be completed quickly, and can make a real contribution in the near-term. (An example candidate could be selecting a tracking system for beneficiary inquiries from among the current set of those deployed now in individual locations, and implementing its use nationwide).



Successful implementation of Quick Hits provides some real improvement to operations and begins to build understanding and acceptance of the benefits that will be derived from larger scale changes. Experience with reengineering efforts elsewhere indicates that this is a crucial part of attaining widespread improvement—it gets all involved beyond the “study” stage, into making tangible improvements.

Action steps required to launch the Quick Hits should include:

- a) Assess Quick Hit recommendations based on feasibility, time to achieve, business impact, cost and relationship to longer term objectives
- b) Refine Quick Hit recommendations and develop a coordinated roll out plan, integrated with the PMO
- c) Create a communication plan that includes messages for all interested audiences; emphasizing promotion of success
- d) Recruit sites for pilot initiative roll outs
- e) Launch Quick Hits within 45 days of team start

6.2.4.2 Design Criteria

Criteria for the To-Be is beginning to evolve. Criteria in this case refers to the anchors around which the To-Be Model should be developed – what must be part of the solution. DOI’s recently completed *Comprehensive Trust Management Plan* will provide strategic direction and business objectives that should align with the criteria selected. Before kicking-off the To-Be, as much of the design criteria as possible should be defined, promoted, and agreed to throughout DOI and Indian Country. These criteria most likely will include:

- a) Beneficiary focus
- b) DOI-wide support of compacting and contracting
- c) Consistency in operations, processes, data, and systems
- d) Adequate funding
- e) Parameters defined by treaties, laws, statutes, court cases
- f) Time horizon

6.2.4.3 To-Be Development

Major activities during the development of the To-Be should include:

- a) ***A series of workshop sessions.*** Facilitated workshop sessions are often the best way to brainstorm solutions and maximize the diverse knowledge and skills of participants. Typically, sessions begin with a large group meeting, breaking up into smaller action teams as the session progresses, and ending with more large group sessions (similar to the workshops conducted at the beginning of the As-Is Model effort). During the workshops, strengths, weaknesses, and initial recommendations for change should be reviewed (outputs from the As-Is Model), with discussions around the feasibility and effectiveness of the recommendations. Alternative and/or additional recommendations should also be developed. The focus of the workshop sessions should include redefinition of core Trust processes consistent with the Service Delivery Model (described below as the CONOPS), at sufficient level of detail to clearly show how business will be conducted, with ties to other elements of the “chevron” (e.g. data, systems and organization), establishment of a high level Trust business process model and improvement of the high level performance



measures. The results from the sessions should be agreed upon recommendations and corresponding high-level action plans.

- b) ***Analysis of improvement initiatives/recommendations.*** Either during or following the sessions, more detailed analysis of the recommendations will be necessary. This will involve a much broader audience. The level of analysis required may vary from one recommendation to the next; however, a gap analysis should be conducted for all recommendations to gain an understanding of the magnitude of change necessary for implementation. Also, especially for recommendations requiring larger investments, an analysis of the costs and benefits of the recommendation may be warranted. Finally, some consideration of the implementation risks should be undertaken.
- c) ***Prioritization of initiatives.*** As in any organization undergoing large-scale change, time constraints, funding, resources, and threshold for change will limit the number of initiatives that can be implemented during a fiscal year. It will be important to prioritize the initiatives to ensure that the right initiatives are implemented at the right time. In determining the prioritization, the Department will want to consider the criticality of the initiative, the expected impact of the initiative, the ease of implementation, the impact on the Indian trust beneficiaries and finally, the gap between the current and future state.
- d) ***Clustering of initiatives into work streams.*** In order to plan the implementation, recommendations should be grouped together into work streams. This simplifies implementation and allows for work stream sponsors, managers, and team members to be designated. Often in large change efforts a project office is put into place to manage and track progress of the work streams, manage funding requirements and expenditures, ensure adequate staffing, and communicate work stream activities and success.
- e) ***Development of a Concept of Operations (CONOPS).*** During the To-Be, a CONOPS should be developed and approved prior to implementation planning. The purpose of the CONOPS is to define and discuss at a high level the concepts that will make up the To-Be Model. The CONOPS incorporates the Design Criteria as well as identifies the gaps between the As-Is Model and the goals for the future. In addition, the CONOPS typically details specific initiatives critical to removing process deficiencies and improving existing strengths, such as concepts to improve business processes, speed, productivity, and beneficiary satisfaction. Through the CONOPS, guidance should be provided to staff, functional managers, systems administrators, senior management, and tribal representatives to assist them in understanding the basis of the To-Be Model.
- f) ***Review of Universal Support Functions.*** The universal support functions should be reviewed to determine which, if any, might be revised or enhanced and then redeployed in concert with the To-Be Business Model implementation. These support functions include risk assessment, automated system requirements, records, internal controls/fiduciary security, policies and procedures, workforce planning, training and system user technical assistance center requirements.

6.2.4.4 Detailed Design and Technology Integration

Once the change initiatives have been clustered into work streams and the CONOPS has been approved, more detailed design activities can take place. This should include the development of:

- a) Detailed process maps and diagrams, to include interface requirements



- b) Revised or new policies and procedures
- c) Revised or new roles and responsibilities
- d) A training plan for new training requirements
- e) Performance measures for the new processes

The above design activities should facilitate the implementation of a Trust Management Dashboard, in phases, allowing access to the appropriate performance measures data.

Additionally, the data and technology requirements will need to be identified. This should include:

- f) Requirements definition and design of any new systems or technologies
- g) Acquisition strategies for new software and/or systems
- h) Architecture planning to support the To-Be environment
- i) Security requirements
- j) System interface requirements

6.2.4.5 Implementation

Implementation of the To-Be Model will not be a simple task and will presumably take place over a number of years. Implementation will require multiple efforts and phases, spanning across many DOI organizational entities. Planning for the implementation should begin early, around the time that the CONOPS is approved. Before the Detailed Design and Technology Integration steps above have been completed, an implementation team should be identified and organized. Preferably, team members and other involved parties responsible for developing the To-Be Model will be part of the implementation team. A project manager should be designated to run the implementation, with many subproject managers responsible for individual work streams. Active and visible participation of the executive sponsors should continue. Also prior to the implementation phase, detailed transformation plans should be developed and communicated. As part of the beginning steps of implementation, it may be prudent to test the concepts on a small segment of DOI before beginning a nationwide deployment. Finally, measures should be put into place that will help to monitor the success of implementation.

6.3 Expected Benefits of the To-Be

Through the development and implementation of the To-Be Model, trust employees who work with beneficiaries on a day-to-day basis should experience a real improvement in how they provide services to the beneficiaries. Beneficiaries should experience an improved and a more responsive level of service, with improved Trust asset financial and land use results. The Department's goal of providing beneficiary-focused services should result with more satisfied, informed beneficiaries.

Other benefits trust employees and staff will experience should include:

- a) More efficient, reliable national trust systems from which to store and access trust and beneficiary information
- b) An understanding of the Department's goals and objectives
- c) Better understanding of the interrelationship of processes and organizational units, with more clearly defined trust roles and responsibilities
- d) Better processes, technology, and organizations to support trust work



- e) Reduction of some of the more tedious, paper-based work procedures
- f) Reduction in the timeframes necessary to accomplish tasks
- g) More standardized, up-to-date records that can be easily accessed from any location
- h) Career advancement for some employees who may have the opportunity to apply for higher level positions
- i) More professional and coordinated trust training (as opposed to on-the-job training)

As these benefits are realized, all parties involved in the Trust should be moving along a path which migrates from current dissatisfaction with service and an atmosphere of reacting to events, to one in which service levels are visibly improved and felt, and a forward looking set of improvements is steadily being designed and launched. If this condition is established, the Department should be well on its way toward achieving its Trust mission, and achieving a turning point in the Trust's history.



Appendices

Appendix A, Glossary

DEFINITIONS OF KEY TERMS:

"Beneficial Owner" means both Indian Tribes and individual Indians who are the beneficial owners of Indian Trust assets held by the federal government in Trust or with a restriction against alienation

"Indian Trust assets" means Indian Trust resources as defined below.

"Indian Trust funds" means money, securities, and negotiable or investment instruments held by the federal government for beneficial owners.

"Indian Trust resources" means lands and interests in lands, minerals, natural resources, or other physical assets held in Trust by the federal government for beneficial owners and natural resources in which Indian Tribes have federally-protected or reserved interests (e.g., water, fish, wildlife, vegetation).

Acronym	Description
A	
A&E Cards	Allotment and Estate Cards
AAC	Annual Allowable Cut
ADM	Attorney Decision Maker
AFMSS	Automated Fluid Minerals Support System
AIRFA	American Religious Freedom Act
AITDA	American Indian Trust and Development Administration
AITDA-NET	Communication Network for AITDA
Adjoiner	An owner of land that touches the land of another, his name being given in the deed or instrument by which the land is conveyed.
Administrative Survey	Identify boundary lines of ownership previously established by a cadastral survey or a property line survey executed under the laws of a state or other authorized political entity. They are not based on necessary, statutory authority to establish or reestablish the boundaries of federal lands, and they do not result in the filing of field notes and plats in the public land records. They do not establish legal ownership boundaries for title and/or taxation purposes. No legal property corner monuments are established or reestablished by the administrative survey process.
Aliquot Parts	Legal subdivisions, except fractional lots, or further subdivision of any smaller legal subdivision, except fractional lots, by division into halves or fourths ad infinitum.



Acronym	Description
ALJ	Administrative Law Judge
Allotment	An allocation of a parcel of public lands or Indian reservation lands to an Indian for his individual use.
Allotted Land Leasing Act of 1909	Authority to lease allotted mineral assets.
Allottee	Individual Indian who receives a disbursement of an allotment
ALMRS	Automated Land Management and Recording System
American Indian Religious Freedom Act of 1928, as Amended	States the policy of the U.S. to protect and preserve the inherent rights of freedom to believe, express and exercise traditional religions including but not limited to access to religious sites, use and possession of sacred objects and freedom to worship through ceremonial and traditional rites.
AML	Abandoned Mine Land
AOTR	Awarding Official Technical Representatives
APA	Administrative Procedures Act
APD	Application for Permit to Drill
ARPA	Archaeological Resources Protection Act of 1979
ATB	Appraisal Technical Board
AUMs	Animal Unit Months
B	
BCCO	Bureau of Congressional Control Office
Beneficiary	Any Native American Tribe or individual whose Trust properties are being managed by the Department of the Interior
BFC	Bill for Collection
BIA	Bureau of Indian Affairs
BIA/BLM/MMS Tripartite MOU of 1997	Memorandum of Understanding between BIA, BLM and MMS Regarding Working Relationships Affecting Mineral Lease Activities, June 1997.
BIAM	Bureau of Indian Affairs Manual
BIANET	Bureau of Indian Affairs Communication Network
BLM	Bureau of Land Management
BPS	Budget Planning System
BRIO	MMS Interface Software
C	
CA & Unit Agreement Files	Communalization Agreements and Unit Agreement Files



Acronym	Description
CA Cards	Communalization Agreement Cards
Cadastral	Pertaining to extent, value, and ownership of land; cadastral maps show property boundaries and corners.
Cadastral Survey	A survey that creates, marks, defines, retraces or reestablishes the boundaries and subdivisions of the public lands of the United States.
CAM	Compliance and Asset Management
CAPD	Cadastral Automated Plat Drafting
CE	Categorical Exclusion
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFI	Continuous Forest Inventory
CFR	Code of Federal Regulations
CIB	Certificate of Indian Blood
CLS	Case Location and Status – Will contain information regarding the status of each Probate estate in which any assets are undistributed
CMM	Cadastral Measurement Management System
Compact Tribe	Self-governing Tribe recognized by the U.S. Government
Compacted or Contracting Tribe	For self-governance and 638 tribes that have assumed this responsibility, the tribe performs all BIA functions except those that are inherently federal
Corp of Engineers, 404 Permit	A Corp of Engineers issued permit related to drainage into navigable waters.
COTS	Commercial Off The Shelf
Cruise	To estimate the volume and quality of a timber stand by visual examination of test plots or strips in the stand. A cruiser usually examines 10%-20% of the total stand.
CS Database	Cadastral Survey Field Note Index
CSS	Customer Strata Station
Cuff Records	Unofficial records kept by BLM offices
CV	Collection Voucher
CX	Categorical Exclusion
D	
DAM	Division of Accounting Management
DCR	Daily Cash Reconciliation
DEM	Digital Elevation Modeling
DEMR	Division of Energy and Mineral Resources
DO	Deciding Official



Acronym	Description
DO	Designation of Operator
DocStar	Imaging/ scanning system. Electronic file management system.
Document	Recorded information regardless of physical form or characteristics
Document Imaging	The electronic capture of a document
DOI	Department of the Interior
DOI Secretarial Order #3127	Contaminant Survey Requirement
DOINET	Department of the Interior Communication Network
DOPs	Desk Operating Procedures
DPAI	Detailed Production Accountability Inspection
DTFA	Division of Trust Funds Accounting
E	
EA	Environmental Assessment
EFT	Electronic Funds Transfer
EIS	Environmental Impact Study
Encumbrance	Any right to or interest in land that makes it subject to a charge or liability. Encumbrances include mortgages, judgment liens, attachments, leases, deed restrictions, unpaid taxes, etc.
EOP	Explanation of Payment
EPA	Environmental Protection Agency
ESA	Endangered Species Act of 1973
ESO	Eastern States Office (BLM)
F	
FAN	Final Abandonment Notice
FASB	Financial Accounting Standard Board
FDIC	Federal Deposit Insurance Corporation
FDR	Financial Distribution Report
FFS	Federal Financial System
FIAR	Forest Inventory Analysis Report
FMP	Forest Management Plan
FMV	Fair Market Value
FOGRMA	Federal Oil & Gas Royalty Management Act
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FOR	Forest Officer's Report



Acronym	Description
Force Majeure	Acts of nature, relieves contractual responsibility
FPS	Forest Plan System
FSA	Farm Service Agency
FTE's	Full-Time-Equivalents
FTOS	Financial Trust Operations Specialist
FTSO	Financial Trust Operations Officer
FWS	U.S. Fish & Wildlife Service
G	
GAAP	Generally Accepted Accounting Principles
GAAS	Generally Accepted Auditing Standards
GCDB	Geographic Coordinate Database
GDP	Geothermal Drilling Permit
Geodetic Control	A set of surveyed features with their location referenced to particular survey monuments by latitude, longitude, and height above the ellipsoid. These “control points” are used to register the map to definitive positions on the earth’s surface.
GIS	Geographic Information System, an organized collection of computer hardware, software, and geographic data designed for the input, storage, retrieval, manipulation, and display of spatially referenced data.
GLAD	Great Lakes Asset Database
GLO	General Land Office
GLO Records Automation System	General Land Office records. GLO is no longer in existence, now a part of BLM
GLS	General Ledger System
GMM	Geodetic Measurement Management System
GPRA	Government Performance and Results Act of 1993
GPS	Global Positioning System, a system used to locate positions and points on the earth based on signals from several satellites.
H	
Historical Index	A chronological summary of all actions which affect, have affected, or will affect the title to, disposition of, or use status of lands and resources within a township.
HLIP	High Level Implementation Plan
HSFN	Surface Water Model
I	
I & E	Inspection & Enforcement



Acronym	Description
I & H Cards	Index and Heirship cards
IA	Interagency Agreement
IA: AG2000 K039	The national Interagency Agreement between BIA and BLM that provides funding to BLM to perform Cadastral Survey services.
IA Manual	Indian Affairs Manual
IAM	Indian Affairs Manual
IARMA	Indian Agriculture Resource Management Act of 1994
IB	Informational Bulletin
IBIA	Interior Board of Indian Appeals
IBLA	Interior Board of Land Appeals
ICAM	Indian Compliance and Asset Management
ICCC	Interagency Cadastral Coordinating Council
IGRA	Indian Gaming Regulatory Act
IHS – HUD	Indian Health Service - Housing and Urban Development
IIB	Individual Indian Beneficiary
IIM	Individual Indian Monies
ILCA	Indian Land Consolidation Act of 1984, Amended 2000
IM	Instructional Memorandum
Imaging	Process of scanning hard copy documents to convert them to electronic documents or files
IMDA	Indian Mineral Development Act of 1982
INC	Incident of Noncompliance Notice
Intangible Property	Refers to insurance policies, stock options, annuities, limited partnerships, wills, powers of attorney
IPAC	Intra-Governmental Payment and Collection System
IPJ	Indian Probate Judge
IRMS	Integrated Records Management System
IRMP	Integrated Resource Management Plan
ISSDA	Indian Services Special Disbursing Agent
ITMA	Inter-Tribal Monitoring Association
ITI	Individual/Tribal Interest Report
J	
K	
Kennerly Process	Notification of erroneous payment and individual's rights, per 25 CFR 115 requirements.
L	
L/C	Letters of Credit



Acronym	Description
Legal Description	A written statement recognized by law as to the definite location of a tract of land by reference to a survey, recorded map or adjoining property.
LISLA	Land Information System for Leasing and Accounting
LMU	Logical Mining Unit
LOI	Lease Owner IIM
LR 2000	BLM Legacy Re-host (LR2000) System for land and mineral records
LRHIS	Land Records History and Imaging System
LRIS	Land Records Information System
LRS	Land Records System
LTRMS	Land Title and Records Management System
LTRO	Land Title Records Office
M	
MAB	Minimum Acceptable Bid
MAD	Management Accounting Distribution
Manual of Survey Instructions of the Public Lands of the United States, 1973	BLM Manual of survey instructions, adopted into law in the western states
MAPTECH	Free site where topographical maps can be downloaded.
MCT	Minnesota Chippewa Tribe
MEA	Master Electronic Archive
MER	Maximum Economic Recovery
Metes and Bounds	A method of describing a parcel of land by citing the owners of abutting lands and describing the length of each course of a boundary as “along” some apparent line, such as, “along a stream” or “along the road”.
MIPPS	Mine Information Project Planning System
MIS	Management Information System
MMS	Minerals Management Service
Monument	A physical structure, such as an iron post, marked stone, or tree in place, which marks the location of a corner point established by a Cadastral Survey.
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MP	Major Portion
MSHA	Mine Safety and Health Administration



Acronym	Description
MTPs/HIs	Master Title Plats, a composite of the survey plats of a township on which is shown the ownership and land status. HI's - see Historical Index for definition
N	
N/A	Not Applicable
NAGPRA	Native American Graves Protection & Repatriation Act of 1990
NAID	Native American Industrial Distributors
NARA	National Archives and Records Administration
NEPA	National Environmental Policy Act of 1969
NFP	Notice of First Production
NGS	National Geodetic Survey
NHPA	National Historic Preservation Act of 1966
NIFRC	National Indian Fiduciary Records Center
NIOGEMS	National Indian Oil & Gas Evaluation & Management System
NMC	Network Management Center
NMFS	National Marine Fisheries Service
NOCI	Notice of Compliance Issue
NOD	Notice of Default
NOI	Notice of Intent
Non Compos Mentis	Adults deemed to be incompetent for managing their own accounts
NOS	Notice of Staking
NOV	Notice of Violation (Coal)
NPDES	National Pollutants Discharge Elimination System
NPS	National Parks Service
NRCS	Natural Resources Conservation Service
NRIS	Natural Resources Inventory Report Studies
NTL	Notice to Lessee
NTL# 3A	BLM Notice to Lessee #3A - Reporting of Undesirable Events
NTL# 4A	BLM Notice to Lessee #4A - Royalty or Compensation for Oil and Gas Lost
O	
O&G	Oil and Gas
OAIT	Office of American Indian Trust
OAS	Office Of Appraisal Services
OCC	Office of the Comptroller of the Currency
OGOR	Oil & Gas Operations Report
OHA	Office of Hearings and Appeals



Acronym	Description
OHTA	Office of Historical Trust Accounting
OIG	Office of the Inspector General
OIRM	Office of Information Resource Management
OMB Guidelines	Office of Management and Budget Guidelines
OMNI-TRUST	Accounting system which tracks cash and various financial investments
Onshore Order #1	BLM Onshore Order #1 - Approval of Operations
Onshore Order #2	BLM Onshore Order #2 - Drilling
Onshore Order #3	BLM Onshore Order #3 - Site Security
Onshore Order #4	BLM Onshore Order #4 - Measurement of Oil
Onshore Order #5	BLM Onshore Order #5 - Measurement of Gas
Onshore Order #6	BLM Onshore Order #6 - Hydrogen Sulfide Operations
Onshore Order #7	BLM Onshore Order #7 - Disposal of Produced Water
OPA	Oil Pollution Act (OPA) – Title 40
OPINV	Operations Inventory
OPM	Office of Personnel Management
OSC	BIA's Operations Services Center
OSHA	Occupational Safety & Health Act
OSM	Office of Surface Mining
OST	Office of the Special Trustee for American Indians
OTFM	Office of Trust Funds Management
OTR	Office of Trust Responsibilities
OTRM	Office of Trust Risk Management
Overnighter	Refers to the sweeping (deposit) of investment funds into a short-term, interest-bearing account
OWMS	Office of Indian Royalty Assistance Workload Management System
P	
P&A	Plug and Abandon
P&R	Production and Royalty Report
Patent	A document by which the United States conveys, to those entitled thereto, legal title to some portion of the public lands.
PAT	Production Accountability Technician
PDAs	Public Domain Allotments
PET	Petroleum Engineering Technician
Photogrammetry	A land record and evaluation method



Acronym	Description
PLSS	Public Land Survey System, commonly called the “township and range” system. Provides the legal basis for all land parcel descriptions that were created out of the Public Lands in 30 of the 50 States in the U.S.
PMC	Program Management Center
POS	Probate Operating System
Privacy Act	Privacy Act of 1974
Probate	Estate administration following the death of an Individual Indian
PSD	Program Support Division
Pub. L 93-638 (as amended)	Indian Self-Determination and Education Assistance Act
PV	Production & Verification
Q	
R	
R2P2	Resource Recovery and Protection Plan
Range	A north-south tier of townships or sections. A range of townships is described by its relationship to the principle meridian.
RCRA	Resource Conservation & Recovery Act
RDRS	Royalty Distribution & Reporting System
RECRA	Resource Conservation & Recovery Act
Resource Firms	Banking institutions providing additional project support; i.e., NationsBank, Riggs Bank, State Street Bank and Trust
RFM	Routine File Maintenance
RFP	Request for Proposal
Riparian Boundaries	Water boundaries, or boundaries formed by a river, lake or the sea. Riparian boundaries shift with changes due to accretion or erosion but retain their original location if brought about by man-made or by artificial causes.
Risk Management and Control System	May provide an independent assessment of the Trust system's accounting, reporting, and internal-control practices.
RMS	Records Management System
ROD	Record of Decision
ROW	Rights of Way
RSFA	Royalty Simplification and Fairness Act of 1997
RTA	Regional Trust Accountant
RU	Range Unit
S	



Acronym	Description
S&G	Sand & Gravel
SARA	Software Assisted Resource Allocation
Section	The unit of subdivision of a township with boundaries conforming to the rectangular system of surveys, nominally one mile square, containing 640 acres.
SDA	Special Deposit Account
Secretarial Orders	Orders of the Secretary of the Interior
Self-governance Compacts	Self-governing Tribe recognized by the U.S. Government
Service Bureaus	Vendors providing data processing services to the Trust system (e.g., MRI, Petro Data, SunGard, SEI, Blue Star, PDS Services, etc.)
SHPO	State Historic Preservation Office
Shut-in Notice	Notice of an Authorized Officer to an Operator to cease production of an oil well
SMCRA	Surface Mine Control & Reclamation Act of 1977
SMFRS	Surface Mining Final Report
SMOR	Solid Minerals Operational Report
Spatial Data	Geographically referenced features that are described by geographic positions and attributes in an analog and/or computer-readable (digital) form.
SPCC	Spill Prevention & Counter Control
SSA	Social Security Administration
SSA Death Index	Social Security Administration Death Index
Stop Orders	Orders of an Authorized Officer to an Operator to stop production activities
Strata Vision	Reports and Statements Database
Strata Web	TFAS web access for Tribes and IIMS
Subsurface	Refers to revenue-producing activities including oil and gas, sand and gravel, coal, copper, and other minerals
Surface	Refers to revenue-producing activities including range grazing, timber, water, fisheries and developed real property
SURFER Program	Commercial Mine Model Software Program
Surveying	The determination of boundaries and areas of tracts of land.
T	
TAAMS	Trust Asset and Accounting Management System
TAIP	Task Approval & Implementation Proposal



Acronym	Description
TB	Tribal Beneficiary
TERO	Tribal Employment Rights Office
TFAS	Trust Funds Accounting System
The BLM Public Room	A BLM office housing records that is open to the public
THPO	Tribal Historic Preservation Office
TIME	TAAMS Information Migration Evaluation
TIPS	Technical Information Processing System
Title Plant	Refers to maintaining a current and historical chain of title on a tract of land
TMIP	Trust Management Improvement Project
TMS	Trust Management System (Consists of TAAMS and LTRMS)
TOJ	Termination of Jurisdiction
Township	The unit of survey of the public lands; normally a quadrangle approximately six miles on a side with boundaries conforming to meridians and parallels within established limits, containing thirty-six sections.
TPPD	Trust Program Performance Dashboard
TPMC	Trust Program Management Center
TPMT	TAAMS Project Management Team
Tract	Generally, a metes and bounds survey of an area at large within a township; a parcel of land that lies in more than one section or that cannot be identified completely as a part of a particular section.
TRO	Temporary Restraining Order
TROC	TAAMS Regional Office Coordinator
Trust Beneficiaries	Account holders
Trust System	Refers generally to all elements of the Trust system (I.e., financial assets, real property, tangibles and intangibles, records, archives, and all management activities)
Trustee of Indian Trust	The entity with ultimate fiduciary responsibility
Trust Patent	A trust patent vests title in the US as trustee for an Indian. Upon termination of the Trust status of the Indian, a patent is issued conveying fee-simple title to the Indian.
TSO	Title Service Office
TSR	Title Status Report
U	
U.S. FWS approvals	Fish and Wildlife Service approvals



Acronym	Description
UAAR	Uniform Agriculture Appraisal Report
UAS	The Uniform Appraisal Standards for Federal Land Acquisitions (1992)
URAR	Uniform Residential Appraisal Report
US Privacy Act	Privacy Act of 1974
USDA	U.S. Department of Agriculture
USFLA	Uniform Standards for Federal Land Acquisitions
USFS	U.S. Forest Service
USGS	United States Geological Survey
USPAP	Uniform Standards of Professional Appraisal Practices
V	
Vulcan	Commercial Mine Model Software Program
W	
Water Model	Commercial Water Flow Model Software Program
WATS	Work Assignment and Tracking System
WAU	Where-Abouts-Unknown
WELSA	White Earth Land Settlement Act
WIS	Well Information System
WRCC	Western Regional Coordination Center
X	
Y	
Z	



Appendix B, Work Session Participants

The following is a listing of the participants in the 10 As-Is Model work sessions, by regional session.

Location	Process	Agency	Participant Name
Great Plains	Accounting	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Great Plains	Accounting	BIA	Young, John
Great Plains	Accounting	BIA	Keepseagle, Marilyn
Great Plains	Accounting	BIA	Ross, Jim
Great Plains	Accounting	Tribal Task Force Expert	Overberg, Karole - Tribal Task Force
Great Plains	Accounting	OTFM	Thorsen, Caroline
Great Plains	Accounting	GPRO	Tso, Leslie Anne
Great Plains	Accounting	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Great Plains	Accounting	BIA	Flores, Monica
Great Plains	Accounting	Cheyenne River Agency	Deane, Dani
Great Plains	Accounting	GPRO/BIA	Bearheels, Lee
Great Plains	Accounting	GPRO/BIA	West, Dean
Great Plains	Accounting	GPRO/BIA	Tso, Leslie Anne
Great Plains	Accounting	BIA/GPRO	Brunsell, Adeline - Realty Officer
Great Plains	Appraisal		Harris, Raymond - Appraiser
Great Plains	Appraisal	BIA	Bearskin, Barbara - Process Sponsor
Great Plains	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Great Plains	Appraisal		Smith, Barry
Great Plains	Appraisal		Ridgeway, June
Great Plains	Appraisal	BIA	Scott, Debbie - Realty Specialist
Great Plains	Beneficiary Services	As-Is Business Model EDS Support	Mills, Jennifer - Facilitator
Great Plains	Beneficiary Services	OST	Marozas, Bryan - Process Sponsor
Great Plains	Beneficiary Services	BIA/GPRO	Brunsell, Adeline - Realty Officer
Great Plains	Beneficiary Services	BIA/Cheyenne River	McClure, Russell J.
Great Plains	Beneficiary Services	BIA/GPRO LTRO Mgr.	Geffne, Jim G.
Great Plains	Beneficiary Services	BIA/GPRO Natural	Young, Tom



Location	Process	Agency	Participant Name
		Resource Mgr.	
Great Plains	Beneficiary Services	Tribal Government Affairs GPRO	Azure, Earl J.
Great Plains	Beneficiary Services	BIA - Pine Ridge	Marshall, Frieda
Great Plains	Beneficiary Services	BIA	Hawkins, Russell
Great Plains	Beneficiary Services		Cavanaugh, Rod - Realty Specialist
Great Plains	Beneficiary Services	BIA Turtle Mountain Agency	Morin, Lyle J.
Great Plains	Beneficiary Services	GPRO Realty	Justice, Faith - Realty Specialist
Great Plains	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Great Plains	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Great Plains	Cadastral Survey Services	BLM/OITT	Stephens, Sue
Great Plains	Cadastral Survey Services	Montana State Office	Pfosch, Heidi
Great Plains	Cadastral Survey Services	BIA - Lower Brule Agency	Her Many Horses, Cleve
Great Plains	Cadastral Survey Services	BIA Turtle Mountain Agency	Morin, Lyle J.
Great Plains	Cadastral Survey Services	Tribal Task Force	Overberg, Karole - Tribal Task Force
Great Plains	Cadastral Survey Services	Tribal Task Force	Bear, Myrna - Tribal Task Force
Great Plains	Cadastral Survey Services	Ft. Totten Agency	LeBeau, Warren
Great Plains	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Great Plains	Probate	OST	Maddox, Greg - Process Sponsor
Great Plains	Probate		Twiggs, Laura
Great Plains	Probate	BIA/GPRO LTRO Mgr.	Geffne, Jim G.
Great Plains	Probate	OHA	Lambrecht, Fred
Great Plains	Probate	BIA Cheyenne River Agency	Pearman, Sally
Great Plains	Probate	OITT	Singer, Michele
Great Plains	Probate	Standing Rock Agency	Walker, Mary G.
Great Plains	Probate	Fort Totten Agency	DeMarce, Lili - Probate Clerk
Great Plains	Probate		Brooks, Denise L. - Realty Specialist



Location	Process	Agency	Participant Name
Great Plains	Probate	GPRO Realty	Justice, Faith - Realty Specialist
Great Plains	Probate	Winnebago	Hackett, Michael - Superintendent
Great Plains	Probate	Pine Ridge	Pretty Weasel, Jewel - Realty Specialist
Great Plains	Probate	Great Plains Regional Office	LaFontaine, Lucion F. - Realty Specialist
Great Plains	Probate	Great Plains Regional Office	Sam, Cheryl - Legal Assistant
Great Plains	Probate	ADM-DOI	Hamilton, Arge Aunko - Attorney (decision maker)
Great Plains	Probate	BIA Sisseton	Hawkins, Russell
Great Plains	Probate	OHA	Meinen, Pam
Great Plains	Probate	Great Plains Regional Office	Solomon, Nilah
Great Plains	Probate		Eagle Elk, Darrell
Great Plains	Probate		Wilke, Carrie
Great Plains	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Great Plains	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Great Plains	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Process Facilitator
Great Plains	Subsurface	BIA/GPRO	Mann-Kloger, Diane - Wildlife Biologist
Great Plains	Subsurface	BIA	Brunsell, Adeline - Realty Officer
Great Plains	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Great Plains	Subsurface	BIA/Ft. Berthold	Wells, Tom - Realty Officer
Great Plains	Subsurface	Tribal Task Force	Bear, Myrna - Tribal Task Force
Great Plains	Subsurface	BIA - Cheyenne River	Austin, Laura E. - Realty Officer
Great Plains	Subsurface	BIA	Halfred, Florence J. - Realty Specialist
Great Plains	Subsurface	BIA	Allick, Lynne - Realty Specialist
Great Plains	Surface	SRA	Demery, Bob
Great Plains	Surface	Lower Brule Agency	Lien, Alan
Great Plains	Surface	Pine Ridge Agency	Glade, James
Great Plains	Surface	Rosebud Agency	Farmer Jr., Eddie
Great Plains	Surface	Ft. Berthold Agency	Baker, Marie



Location	Process	Agency	Participant Name
Great Plains	Surface	Rosebud Agency	Hawk Wing, Elton
Great Plains	Surface	Standing Rock Agency	Molash, Harold
Great Plains	Surface	Standing Rock Agency	Dunn, David
Great Plains	Surface	Tribal Task Force	Bear, Myrna
Great Plains	Surface	GPRO	Keatts, Pat - Natural Resource Spec.
Great Plains	Surface		Estes, Teresa - Realty Specialist
Great Plains	Surface		Compton, Harold - Realty Officer
Great Plains	Surface	DataCom	Pinon, Carol - Support
Great Plains	Surface	OITT/BIA	Fielitz, Rick - Process Sponsor
Great Plains	Surface	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Great Plains	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Great Plains	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Great Plains	Title	Lower Brule Agency	Her Many Horses, Cleve
Great Plains	Title		LeBeau, Warren
Great Plains	Title	Montana State Office	Pfosch, Heidi
Great Plains	Title	GPRO-LTRO	Salomon, Nilah
Great Plains	Title	Lower Brule Agency	Ironrood, Barbara
Great Plains	Title	BIA Turtle Mountain Agency	Morin, Lyle J.
Great Plains	Title	GPRO	ShortBull, Vonny
Great Plains	Title	BIA/Ft. Berthold	Wells, Tom - Realty Officer
Midwest/Eastern	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Midwest/Eastern	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Midwest/Eastern	Accounting	FTSO	LaPointe, Tim - FTSO
Midwest/Eastern	Accounting	BIA	Rock, Janis - Realty Officer
Midwest/Eastern	Accounting	BIA	Eidem, Cathy
Midwest/Eastern	Accounting	BIA	Clark, Rosalie
Midwest/Eastern	Accounting	Forestry	Larson, Rachael - Forestry Asst.



Location	Process	Agency	Participant Name
Midwest/Eastern	Accounting	Forestry	Ster, David
Midwest/Eastern	Accounting	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist
Midwest/Eastern	Accounting	BIA Mich. Field Office	Thompson, Esther - Realty Officer
Midwest/Eastern	Accounting	BIA	Gallagher, Sandy
Midwest/Eastern	Accounting	BIA	Bolton, Anne - Field Representative
Midwest/Eastern	Appraisal	OITT	Bearskin, Barbara - Process Sponsor
Midwest/Eastern	Appraisal	Office of Appraisal	Despres, Brendon
Midwest/Eastern	Appraisal	OAS	Walhovd, Brenda
Midwest/Eastern	Appraisal	OAS	Sneezy, Gabriel
Midwest/Eastern	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Midwest/Eastern	Beneficiary Services	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Midwest/Eastern	Beneficiary Services	OST	Marozas, Bryan - Process Sponsor
Midwest/Eastern	Beneficiary Services	BIA Eastern Region Forestry	Meneely, Scott - Forester
Midwest/Eastern	Beneficiary Services	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist
Midwest/Eastern	Beneficiary Services	BIA Minnesota Agency Forestry	Larson, Rachael - Forestry Asst.
Midwest/Eastern	Beneficiary Services	Bois Forte Band	Villebrun, Jacqueline - Realty Manager
Midwest/Eastern	Beneficiary Services	BIA Minnesota Agency	Burr, Thomas - Realty Spec.
Midwest/Eastern	Beneficiary Services	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Midwest/Eastern	Beneficiary Services	BIA/MRO	VanAlstine, Shirley - Realty Officer
Midwest/Eastern	Beneficiary Services	BIA Midwest Region	Nelson, Herb
Midwest/Eastern	Beneficiary Services	BIA Great Lakes Agency	Kraft, Carole - Realty Specialist
Midwest/Eastern	Beneficiary Services	BIA Mich. Field Office	Thompson, Esther - Realty Officer
Midwest/Eastern	Beneficiary Services	BIA Eastern Region Forestry	Overberg, Karole - Tribal Task Force
Midwest/Eastern	Beneficiary Services	Mille Lacs Band of Ojibwe	Kalk, Curt
Midwest/Eastern	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Midwest/Eastern	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator



Location	Process	Agency	Participant Name
Midwest/Eastern	Cadastral Survey Services	BIA, Great Lakes	Bristol, Linda E. - Realty Spec.
Midwest/Eastern	Cadastral Survey Services	BLM	Rodine, Corky
Midwest/Eastern	Cadastral Survey Services	BIA	Amos, Benny
Midwest/Eastern	Cadastral Survey Services	BLM	Douglas, Steve
Midwest/Eastern	Cadastral Survey Services	BIA	Arbuckle, Diane - Realty Spec.
Midwest/Eastern	Cadastral Survey Services	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist
Midwest/Eastern	Cadastral Survey Services	Mille Lacs Band of Ojibwe	Johnson, Lisa
Midwest/Eastern	Probate	OHA	Greenia, Marcel
Midwest/Eastern	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Midwest/Eastern	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Midwest/Eastern	Probate	BIA-GLA	Berlin, Pat - Realty Spec. (Probate)
Midwest/Eastern	Probate	OHA	Metiner, Cynthia - Indian Probate Judge
Midwest/Eastern	Probate	BIA	Rock, Janis - Realty Officer
Midwest/Eastern	Probate	BIA	Eidem, Cathy
Midwest/Eastern	Probate	BIA	Selwyn, Dawn
Midwest/Eastern	Probate	BIA/MNA	Haro, Carol
Midwest/Eastern	Probate	Mille Lacs Band Of Ojibwe	Johnson, Lisa
Midwest/Eastern	Probate	Mille Lacs Band Of Ojibwe	Kalk, Curt
Midwest/Eastern	Probate	BIA	Christensen, Dave
Midwest/Eastern	Probate	OHA	Meinen, Pam
Midwest/Eastern	Probate	BIA	Bemer, Howard
Midwest/Eastern	Probate	GPRO/LTRO	ShortBull, Marietta
Midwest/Eastern	Probate	GPRO/LTRO	Peters, June
Midwest/Eastern	Probate	GPRO/LTRO	Eagle Elk, Donald R.
Midwest/Eastern	Probate	BIA	Gallagher, Sandy
Midwest/Eastern	Probate	BIA/MRO	VanAlstine, Shirley - Realty Officer
Midwest/Eastern	Probate	BIA Mich. Field Office	Thompson, Esther - Realty Officer



Location	Process	Agency	Participant Name
Midwest/Eastern	Probate	BIA/OITT	Buck Elk, Michele
Midwest/Eastern	Probate	OHA	Kelly, Christine
Midwest/Eastern	Probate	OHA	Holt, Robert
Midwest/Eastern	Probate	OHA	Jones, Albert
Midwest/Eastern	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Midwest/Eastern	Probate	Tribal Task Force	Berrey, John
Midwest/Eastern	Probate	BIA	FallsDown, Lydia - Real Estate Services
Midwest/Eastern	Probate	ADM OFC	Naranjo, Phyllis
Midwest/Eastern	Probate	BIA	Benjamin, Bill
Midwest/Eastern	Probate	CSL	Bird Bear, Thomas
Midwest/Eastern	Probate	GPRO/LTRO	LaFontaine, Lucion
Midwest/Eastern	Probate	BIA	Gordepi, Myrn
Midwest/Eastern	Probate	BIA	Scott, Debbie
Midwest/Eastern	Probate	OST	Smith, Jill
Midwest/Eastern	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Process Facilitator
Midwest/Eastern	Subsurface	BIA	Left Hand, Darlene
Midwest/Eastern	Subsurface	BLM	Wong, Erin
Midwest/Eastern	Subsurface	BLM	Knopp, Bernice
Midwest/Eastern	Subsurface	BLM	Hubbs, Howard
Midwest/Eastern	Subsurface	BLM	Lambert, Will
Midwest/Eastern	Subsurface	BIA	Crossquins, Ronald L.
Midwest/Eastern	Subsurface	BIA	Weigand, Anita
Midwest/Eastern	Subsurface	BIA	White Eagle, Florence
Midwest/Eastern	Subsurface	BLM	Heuchner, Randy
Midwest/Eastern	Subsurface	BLM	Coppock, David
Midwest/Eastern	Subsurface	BLM	Giovauini, Bob
Midwest/Eastern	Subsurface	BLM	Good, Rebecca
Midwest/Eastern	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Midwest/Eastern	Subsurface	BIA/RMRO	Jorgenson, Jody
Midwest/Eastern	Subsurface	BIA/GPRO	Brunsell, Adeline - Realty Officer



Location	Process	Agency	Participant Name
Midwest/Eastern	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Midwest/Eastern	Subsurface	BIA/Ft. Berthold	Wells, Tom - Realty Officer
Midwest/Eastern	Subsurface	Tribal Task Force	Bear, Myrna - Tribal Task Force
Midwest/Eastern	Subsurface	BIA - Cheyenne River	Austin, Laura E. - Realty Officer
Midwest/Eastern	Subsurface	BIA	Halfred, Florence J. - Realty Specialist
Midwest/Eastern	Subsurface	BIA	Allick, Lynne - Realty Specialist
Midwest/Eastern	Subsurface	BIA, Fort Peck Agency	White Eagle, Florence - Realty Officer
Midwest/Eastern	Subsurface	BLM	Ollila, Allen J. - Petroleum Engineer
Midwest/Eastern	Subsurface	BLM	Laakso, Chuck - Petroleum Engineer
Midwest/Eastern	Subsurface	BLM	Laborda, Pascual R. - Section Chief
Midwest/Eastern	Subsurface	BLM	Manchester, Dale H. - Petroleum Engineer
Midwest/Eastern	Subsurface	BLM	Nash, Mike - Assistant Field Manager, Minerals
Midwest/Eastern	Surface	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Midwest/Eastern	Surface	BIA	Bolton, Anne - Field Representative
Midwest/Eastern	Surface	BIA, Great Lakes	Bristol, Linda E. - Realty Spec.
Midwest/Eastern	Surface	As-Is Business Model EDS Support	Meermans, Russ
Midwest/Eastern	Surface		Manydeeds, Mary - Regional Hydrologist
Midwest/Eastern	Surface	Tribal Task Force	Bear, Myrna - Tribal Task Force
Midwest/Eastern	Surface	OITT/BIA	Fielitz, Rick - Process Sponsor
Midwest/Eastern	Surface		Oliphant, Eric - Forester
Midwest/Eastern	Surface		West, Jay R. - Forester
Midwest/Eastern	Surface	BIA Eastern Region Forestry	Meneely, Scott - Forester
Midwest/Eastern	Surface	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist
Midwest/Eastern	Surface - Forestry		West, Jay R. - Forester
Midwest/Eastern	Surface - Forestry	BIA Eastern Region Forestry	Meneely, Scott - Forester
Midwest/Eastern	Surface - Forestry		Oliphant, Eric - Forester



Location	Process	Agency	Participant Name
Midwest/Eastern	Surface - Forestry		Sterr, David
Midwest/Eastern	Surface - Forestry	BIA	Bolton, Anne - Field Representative
Midwest/Eastern	Surface - Forestry	BIA, Great Lakes	Bristol, Linda E. - Realty Spec.
Midwest/Eastern	Surface - Forestry	As-Is Business Model EDS Support	Meermans, Russ - Process Facilitator
Midwest/Eastern	Surface - Forestry	BIA	Arbuckle, Diane - Realty Spec.
Midwest/Eastern	Surface - Forestry	Tribal Task Force	Overberg, Karole - Tribal Task Force
Midwest/Eastern	Surface - Forestry		Manydeeds, Mary - Regional Hydrologist
Midwest/Eastern	Surface - Forestry	Tribal Task Force	Bear, Myrna - Tribal Task Force
Midwest/Eastern	Surface - Forestry	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Midwest/Eastern	Surface - Forestry	OITT/BIA	Fielitz, Rick - Process Sponsor
Midwest/Eastern	Surface - Forestry	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist
Midwest/Eastern	Surface - Forestry	OITT	Bearskin, Barbara - Process Sponsor
Midwest/Eastern	Surface - Forestry	Bois Forte Band	Villebrun, Jacqueline - Realty Manager
Midwest/Eastern	Surface - Forestry	BIA - MN Agency	Burr, Thomas - Realty Spec.
Midwest/Eastern	Surface - Forestry	BIA Minnesota Agency Forestry	Larson, Rachael - Forestry Asst.
Midwest/Eastern	Surface - Forestry	BIA/MRO	VanAlstine, Shirley - Realty Officer
Midwest/Eastern	Surface - Short-term	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Midwest/Eastern	Surface - Short-term	BIA/OITT	Fielitz, Rick - Process Sponsor
Midwest/Eastern	Surface - Short-term	BIA	Bolton, Anne - Field Representative
Midwest/Eastern	Surface - Short-term	BIA, Great Lakes	Bristol, Linda E. - Realty Spec.
Midwest/Eastern	Surface - Short-term	As-Is Business Model EDS Support	Meermans, Russ
Midwest/Eastern	Surface - Short-term	BIA	Arbuckle, Diane - Realty Spec.
Midwest/Eastern	Surface - Short-term	Tribal Task Force	Overberg, Karole - Tribal Task Force
Midwest/Eastern	Surface - Short-term	BIA	Manydeeds, Mary - Regional Hydrologist
Midwest/Eastern	Surface - Short-term	Tribal Task Force	Bear, Myrna - Tribal Task Force
Midwest/Eastern	Surface - Long-Term	BIA Eastern Region Env. & Nat. Resources	Clifford, Leroy V. - Environmental Protection Specialist



Location	Process	Agency	Participant Name
Midwest/Eastern	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Midwest/Eastern	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Midwest/Eastern	Title	BIA-GLA	Berlin, Pat - Realty Spec. (Probate)
Midwest/Eastern	Title	GP-LTRO	Peters, June
Midwest/Eastern	Title	GPRO/LTRO	LaFontaine, Lucion
Midwest/Eastern	Title	MNA	Eden, Cathy - Realty Specialist
Midwest/Eastern	Title	BIA Mich. Field Office	Thompson, Esther - Realty Officer
Midwest/Eastern	Title	BIA	Bolton, Anne - Field Representative
Midwest/Eastern	Title		Gallagher, Sandy
Midwest/Eastern	Title	BIA/MNA	Haro, Carol
Midwest/Eastern	Title	BIA Minnesota Agency	Burr, Thomas - Realty Spec.
Midwest/Eastern	Title	BIA	Rock, Janis - Realty Officer
Midwest/Eastern	Title	Bois Forte Band	Villebrun, Jacqueline - Realty Manager
Midwest/Eastern	Title		Amos, Benny
Midwest/Eastern	Title	BIA/ERO	Bemer, Howard - TGS. Spec.
Midwest/Eastern	Title		Laisen, Rachael - Forestry Asst.
Midwest/Eastern	Title	BIA/MRO	VanAlstine, Shirley - Realty Officer
Midwest/Eastern	Title	OHA	Metiner, Cynthia - Indian Probate Judge
Midwest/Eastern	Title	BIA/OITT	Bearskin, Barbara - Process Sponsor
Midwest/Eastern	Title	GPRO/LTRO	ShortBull, Marietta
Midwest/Eastern	Title	GPRO/LTRO	Eagle Elk, Donald R.
Midwest/Eastern	Title	BIA	Cerlrukke, Diane
Midwest/Eastern	Title	Tribal Task Force	Bear, Myrna - Tribal Task Force
Midwest/Eastern	Title	BIA/OITT	Bearskin, Barbara - Process Sponsor
Midwest/Eastern	Title	Mille Lacs Band of Ojibwe	Johnson, Lisa
Midwest/Eastern	Title	BIA/GLA	Kraft, Carole - Realty Specialist
Midwest/Eastern	Title		Nelson, Herb



Location	Process	Agency	Participant Name
Alaska	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Alaska	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Alaska	Accounting		White, Saldie - Sup. Acct.
Alaska	Accounting		Dexter, Beth - Realty Spec.
Alaska	Accounting	ICAS	Edwards, Carolyn - Realty Officer
Alaska	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Alaska	Appraisal	Bristol Bay Native Assoc.	Hoseth, Tom - Realty Officer (Service Provider)
Alaska	Appraisal	OST Appraisal Services	Gurganus, Gene
Alaska	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Alaska	Appraisal	OST Appraisal Services	Nashalook, Lynda
Alaska	Appraisal	OST Appraisal Services	Burns, Jenness
Alaska	Beneficiary Services	As-Is Business Model EDS Support	Wright, George - Facilitator
Alaska	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Alaska	Beneficiary Services	BIA WCAFO	Lawrence, Mel - Realty Assistant
Alaska	Beneficiary Services	BIA - West Central Alaska Field Office	Dreher, Leanna D. - Realty Specialist
Alaska	Beneficiary Services	BIA - FBKS	Demientieff, Samuel S. - Field Rep.
Alaska	Beneficiary Services	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Alaska	Beneficiary Services		Reft, Alicia - Tribal Karluk
Alaska	Beneficiary Services	Akiachak Native Community	Kasayulie, Melanie - Realty Director - Officer
Alaska	Beneficiary Services		Edmister, Grenalda - Realty Officer
Alaska	Beneficiary Services	BIA WCAFO	Brady, Rose M. - Realty Officer
Alaska	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Alaska	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Alaska	Cadastral Survey Services	Tanana Chiefs Conf.	Mayo, Paul - Realty Officer
Alaska	Cadastral Survey Services	BLM - BR Chief Planning & Survey Prep.	Frichtl, Craig
Alaska	Cadastral Survey Services	BIA Alaska	Miller, Glenda



Location	Process	Agency	Participant Name
Alaska	Cadastral Survey Services	BIA Alaska FFO	DeWilde, Lesley R. - Realty Spec. FFO
Alaska	Cadastral Survey Services	ICAS	Edwards, Carolyn - Realty Officer
Alaska	Cadastral Survey Services	Kawerak Inc.	Tungwenuk, Bruce
Alaska	Cadastral Survey Services	BLM Cadastral Survey	Frederick, Orrin
Alaska	Cadastral Survey Services	BLM - Acting Chief Title & Land Status	Balen, Greg
Alaska	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Alaska	Probate	Native Village Kwinhagak	Pleasant, Joseph - Realty Probate Officer
Alaska	Probate	OHA - ALJ	McDonald, Patricia
Alaska	Probate	ONC	Yako, Marie - Realty Officer
Alaska	Probate	Native Village of Kotzebue	Cruthers, Katie
Alaska	Probate	Native Village of Kotzebue	Avery, Jackline - Resources Mgr.
Alaska	Probate	AP & TSC	Howard, James D.
Alaska	Probate	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Alaska	Probate		Augustine, Charles - Realty Officer
Alaska	Probate	Maniilag Assoc.	Wicken, Eva - Realty Officer
Alaska	Probate		Wells, Tillie - Realty Officer
Alaska	Probate	Native Village Of Kwethluk	McCafferty-Gregg, Myrtis - Probate Tech.
Alaska	Probate	Akiachak Native Community	Kasayulie, Melanie - Realty Director - Officer
Alaska	Probate	Organized Village of Kwethluk	Guy Jr., James R. - Realty Clerk
Alaska	Probate	BIA - AP & TSC	Harris, Mervel - Supervisory Realty Specialist
Alaska	Probate	BIA - AK Region	Shanigan, Marlane - Realty Specialist
Alaska	Probate	BIA - West Central Alaska Field Office	Dreher, Leanna D. - Realty Specialist
Alaska	Probate	BIA - WCAFO	Brady, Rose M. - Realty Officer
Alaska	Probate	BIA - WCAFO	White, Rachel - Realty Specialist
Alaska	Probate	BIA - WCAFO	Lawrence, Mel - Realty Assistant



Location	Process	Agency	Participant Name
Alaska	Probate	BIA Alaska FFO	DeWilde, Lesley R. - Realty Spec. FFO
Alaska	Probate	ICAS	Edwards, Carolyn - Realty Officer
Alaska	Probate	BIA - WCAFO	Hunt, Ronald
Alaska	Probate	Bristol Bay Native Assoc.	Hoseth, Tom - Realty Officer (Service Provider)
Alaska	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Alaska	Subsurface		Fisk, Bob - Program land AKSO
Alaska	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Alaska	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Alaska	Surface ST, LT	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Alaska	Surface ST, LT	BIA - FBKS	Demientieff, Samuel S. - Field Rep.
Alaska	Surface ST, LT	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Alaska	Surface ST, LT	BIA/OITT	Abe, George - Process Sponsor
Alaska	Surface ST, LT	DataCom	Pinon, Carol - Support
Alaska	Surface ST, LT	Alaska Realty	Medmiston, Grenelda - Realty Officer
Alaska	Surface ST, LT	Native Village of Kotzebue	Avery, Jackline - Resources Mgr.
Alaska	Surface ST, LT	AP & TSC	Howard, James D.
Alaska	Surface ST, LT	Tribal Task Force	Bear, Myrna - Tribal Task Force
Alaska	Surface ST, LT	BIA/OITT	Bearskin, Barbara - Process Sponsor
Alaska	Surface ST, LT	OITT/BIA	Fielitz, Rick - Process Sponsor
Alaska	Surface ST, LT	Native Village Kwinhagak	Pleasant, Joseph - Realty Probate Off.
Alaska	Surface ST, LT	BIA Alaska FFO	DeWilde, Lesley R. - Realty Spec. FFO
Alaska	Surface ST, LT	ICAS	Edwards, Carolyn - Realty Officer
Alaska	Surface ST, LT	BIA	Chanas, Pearl - Rights Protection Spec.
Alaska	Surface ST, LT	Wildlife & Parks Regional Office	Martin, Jackie - Biologist
Alaska	Surface ST, LT	Maniilag Assoc.	Wicken, Eva - Realty Officer
Alaska	Surface ST, LT	BIA	Augustine, Charles - Realty Officer



Location	Process	Agency	Participant Name
Alaska	Surface ST, LT	Bristol Bay Native Assoc.	Hoseth, Tom - Realty Officer (Service Provider)
Alaska	Surface ST, LT		Dexter, Beth - Realty Spec.
Alaska	Surface ST, LT	ONC	Yako, Marie - Realty Officer
Alaska	Surface ST, LT	Akiachak Native Community	Kasayulie, Melanie - Realty Director - Officer
Alaska	Surface ST, LT	Native Village Of Kwethluk	McCafferty-Gregg, Myrtis - Probate Tech.
Alaska	Surface ST, LT		Edmister, Grenalda - Realty Officer
Alaska	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Alaska	Surface - Forestry	OITT/BIA	Fielitz, Rick - Process Sponsor
Alaska	Surface - Forestry	Chugachmiut, Inc.	Sink, Charles - Director Forest Fire and Mgmt.
Alaska	Surface - Forestry	Fire Mgmt Regional Office	Shourds, Nathan - Fuels Specialist
Alaska	Surface - Forestry		Homan, Kim - IT Specialist
Alaska	Surface - Forestry	Wildlife & Parks Regional Office	Martin, Jackie - Biologist
Alaska	Surface - Forestry		Kahkleh, Troy - Rights Protection Spec.
Alaska	Surface - Forestry	BIA	Urvina, Tony - Natural Assist. Mgr.
Alaska	Surface - Forestry		Edmister, Grenalda - Realty Officer
Alaska	Surface - Forestry		Reith, Erica - Forester
Alaska	Title	Native Village Of Selawik	Wells, Tillie - Realty Officer
Alaska	Title	Central Council Tlingit Haida	Welch, Desiree
Alaska	Title	NVE	Augustine, Charles - Realty Officer
Alaska	Title	ICAS	Edwards, Carolyn - Realty Officer
Alaska	Title	AP&TSC	Rivera, Lela
Alaska	Title	AP&TSC	Byrd, Bernadette
Alaska	Title	AP&TSC	Hermanson, Dorothy
Alaska	Title	AP&TSC	Aturta, Helen
Alaska	Title	Kawerak, Inc.	Tungwenuk, Bruce
Alaska	Title	BIA WCAFO	Brady, Rose M. - Realty Officer
Alaska	Title	BIA WCAFO	White, Rachel - Realty Specialist



Location	Process	Agency	Participant Name
Alaska	Title	Organized Village of Kwethluk	Guy Jr., James R. - Realty Clerk
Alaska	Title	Maniilag Assoc.	Wicken, Eva - Realty Officer
Alaska	Title	Native Village Of Kwethluk	McCafferty-Gregg, Myrtis - Probate Tech.
Alaska	Title	BIA Realty	Miller, Glenda
Alaska	Title	BIA-APETSC	Harris, Mervel - Supervisory Realty Specialist
Alaska	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Alaska	Title	As-Is Business Model EDS Support	Dougherty, Bob - Facilitator
Alaska	Title	DataCom Sciences	Archuletta, Abel
Alaska	Title	AP&TSC	Sandoval, Felicia
Alaska	Title	ONC	Yako, Marie - Realty Officer
Alaska	Title	Native Village of Kotzebue	Avery, Jackline - Resources Mgr.
Alaska	Title	Native Village Kwinhagak	Pleasant, Joseph - Realty Probate Off.
Alaska	Title		Dexter, Beth - Realty Spec.
Northwest	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Northwest	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Northwest	Accounting	NWRO	Oglesb, Doris
Northwest	Accounting	Ft. Hail Agency	Everett, Jim - Accounting Tech
Northwest	Accounting		Wheeler, Debbie R. - Administrative Officer
Northwest	Accounting	Yakama Agency	Ganyelas, Dora - Accounting Tech
Northwest	Accounting	Yokama	Holford, Clarence
Northwest	Accounting	Yakama Agency	Boxer, Tony - Social Worker
Northwest	Accounting	OTFM-Yakama	Blodgett, Tess - OFM Acct. Tech.
Northwest	Accounting	OTFM	Boule, Ron - Accountant
Northwest	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Northwest	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Northwest	Appraisal	Review Appraisal	Carmack, Ken



Location	Process	Agency	Participant Name
Northwest	Appraisal		Sanford, Rena R. - Act. Regional Appraiser
Northwest	Beneficiary Services	As-Is Business Model EDS Support	Wright, George - Facilitator
Northwest	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Northwest	Beneficiary Services	Confederated Tribes of Siletz	Edenfield, Sharon A.-Admin. Mgr.
Northwest	Beneficiary Services	BIA NW Region	Hensel, Michele - Acting Supervisory Legal Instruments Examiner
Northwest	Beneficiary Services	BIA-NWRO-LTRO	Masse, Julianne M. - Title Examiner
Northwest	Beneficiary Services	BIA - NWRO	Ben, Gerald
Northwest	Beneficiary Services	Yokama	Holford, Clarence
Northwest	Beneficiary Services	Tribal Task Force Rep	Overberg, Karole - Tribal Task Force
Northwest	Beneficiary Services	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Northwest	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Northwest	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Northwest	Cadastral Survey Services	BLM	Hartel, Mary - Chief Cadastral Surveyor
Northwest	Cadastral Survey Services	BLM	Scherler, Ron
Northwest	Cadastral Survey Services	BLM	Olsen, Duane
Northwest	Cadastral Survey Services	BLM	Berry, Dan
Northwest	Cadastral Survey Services	BLM	Smith, Ken
Northwest	Cadastral Survey Services	BLM	Brown, Ron
Northwest	Cadastral Survey Services	BIA	Penney, Dee - Realty Specialist
Northwest	Cadastral Survey Services	BLM	Lee, Jeff
Northwest	Cadastral Survey Services	BIA, NWRO	Appelbaum, Ron - Realty Specialist
Northwest	Cadastral Survey Services	BLM	Farnsworth, John P.
Northwest	Cadastral Survey Services	BLM – Project Office	McCauley, John



Location	Process	Agency	Participant Name
Northwest	Cadastral Survey Services	Yakama Tribe	Wiseman, Raymond
Northwest	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Northwest	Probate	Makub	Denney, Dale - Realty Officer
Northwest	Probate	Yakama Agency, WA	Lyons, Ed - Admin. Officer
Northwest	Probate	OTFM-Yakama	Blodgett, Tess - OFM Acct. Tech.
Northwest	Probate	OTFM	Boule, Ron - Accountant
Northwest	Probate	BIA	Jackson, Susan - Realty Specialist
Northwest	Probate	BIA	Moore, Kevin - Realty Officer
Northwest	Probate	OHA	Watts, Sandra - Indian Probate Judge
Northwest	Probate	OHA	Roberts, Don - Paralegal Specialist
Northwest	Probate	OHA	Reeh, Richard - ALJ
Northwest	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Northwest	Probate	BIA-NWRO	Argel, Greg - Realty Officer
Northwest	Probate	BIA-NWRO-LTRO	Poitrass, Wendy - Title Examiner
Northwest	Probate	Yakama Agency, WA	Strom, Rhoda - Realty Spec.
Northwest	Probate	BIA	Penney, Dee - Realty Specialist
Northwest	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Northwest	Subsurface	BLM	Cunderla, Brent - BLM
Northwest	Subsurface	BIA	LeBret, Jim - Branch Chief
Northwest	Subsurface		Hoffman, Eric - Mining Engineer
Northwest	Subsurface		Courtright, Kelly - Dist. Mining Engineer
Northwest	Subsurface		Seymour, Denny R.
Northwest	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Northwest	Subsurface	Yakama Agency, WA	Berkompas, Terry - Natural Res. Officer
Northwest	Subsurface	Yakama Agency, WA	Strom, Rhoda - Realty Spec.
Northwest	Surface - Range, LT, ST	BIA/OITT	Abe, George - Process Sponsor
Northwest	Surface - Range, LT, ST	Tribal Task Force	Belcourt, Lena - Tribal Task Force Rep.
Northwest	Surface - Range, LT,	Yakama Agency, WA	Berkompas, Terry - Natural Res.



Location	Process	Agency	Participant Name
	ST		Officer
Northwest	Surface - Range, LT, ST	Yakama Agency, WA	Rembold, Paul - Range Spec.
Northwest	Surface - Range, LT, ST		Klink, Bob - Soil Scientist
Northwest	Surface - Range, LT, ST	As-Is Business Model EDS Support	Rich Hill - Facilitator
Northwest	Surface - Range, LT, ST	Tribal Task Force	Bear, Myrna - Tribal Task Force
Northwest	Surface - Range, LT, ST	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Northwest	Surface - Range, LT, ST	Yokama	Holford, Clarence
Northwest	Surface - Range, LT, ST	OTFM-Yakama	Blodgett, Tess - OFM Acct. Tech.
Northwest	Surface - Range, LT, ST	Yakama Agency, WA	Strom, Rhoda - Realty Spec.
Northwest	Surface - Range, LT, ST	BIA, NWRO	Appelbaum, Ron - Realty Specialist
Northwest	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Northwest	Surface - Water	BIA/OITT	Fielitz, Rick - Process Sponsor
Northwest	Surface - Water	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Northwest	Surface - Water	BIA-NWRO Portland	Tano, Sherri - Budget Tech.
Northwest	Surface - Water	BIA - NWRO Portland	Burnham, Bernard
Northwest	Surface - Water	NWRO	Hatch, Keith - Fishery Biologist
Northwest	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Northwest	Surface - Forestry	OITT/BIA	Fielitz, Rick - Process Sponsor
Northwest	Surface - Forestry		Tretterick, Joyce A.
Northwest	Surface - Forestry		Jonai - Forest Manager
Northwest	Surface - Forestry		Moulder, Wayne - Forester
Northwest	Surface - Forestry	Yakama Agency, WA	Peterson, Arnie - Forester
Northwest	Surface - Forestry	Yakama Agency, WA	Morigeau, Michael - Forestry
Northwest	Surface - Forestry	Yakama Agency, WA	Lewis, Edwin - Forestry
Northwest	Surface - Forestry	NWRO	Branson, Tom - Forestry
Northwest	Surface - Forestry	NWRO	Browning, Arnie - Resource Mgmt.
Northwest	Title	MN Agency (OITT)	Smith, Joel - Process Sponsor



Location	Process	Agency	Participant Name
		Detail) Trust Sponsor	
Northwest	Title	NWRO-LTRO	Masse, Julianne M. - Title Examiner
Northwest	Title	NWRO-LTRO	Hensel, Michele - Acting Supervisory Legal Instruments Examiner
Northwest	Title	Confederated Tribes of Siletz	Groh, Sherri - Environmental Planner
Northwest	Title	CTSI	Edenfield, Sharon A.-Admin. Mgr.
Northwest	Title	Tribal Task Force	Bear, Myrna - Tribal Task Force
Northwest	Title	As-Is Business Model EDS Support	McInturf, Judy
Northwest	Title	OITT	Gohard, Sim Wing
Northwest	Title	OITT	Marozas, Bryan
Northwest	Title	NWRO-BIA	Argel, Greg - Realty Officer
Northwest	Title	NWRO-BIA	Jackson, Susan - Realty Specialist
Northwest	Title	BIA-NWRO-LTRO	Poitrass, Wendy - Title Examiner
Northwest	Title	Yakama Agency, WA	Lyons, Ed - Admin. Officer
Northwest	Title	Yakama Agency, WA	Strom, Rhoda - Realty Spec.
Northwest	Title	As-Is Business Model EDS Support	Dougherty, Bob - Facilitator
Northwest	Title	LTRO/NWRO	Masse, Julianne M. - Title Examiner
Northwest	Title	Confederated Tribes of Siletz	Groh, Sherri - Environmental Planner
Northwest	Title	BIA	Penney, Dee - Realty Specialist
Northwest	Title	Yakama Agency, WA	Lyons, Ed - Admin. Officer
Northwest	Title	Makah Tribe	Denney, Dale - Realty Officer
Northwest	Title	Tribal Task Force	Overberg, Karole - Tribal Task Force
Northwest	Title	Tribal Task Force	Belcourt, Lena - Tribal Task Force Rep.
Oklahoma – Osage	Accounting	BIA/OITT	Maddox, Greg - Process Sponsor
Oklahoma – Osage	Accounting	As-Is Business Model EDS Support	Dougherty, Bob - Facilitator
Oklahoma – Osage	Accounting	BIA Osage Agency	Revard, Carole - Supv. Realty Specialist
Oklahoma –	Accounting	BIA Osage Agency	Stover, Denise - Realty Asst.



Location	Process	Agency	Participant Name
Osage			
Oklahoma – Osage	Accounting	BIA Osage Agency	Wilcox, Lorraine - Supr. Realty Specialist
Oklahoma – Osage	Accounting	BIA Osage Agency	Little, Heather - Lead Acct. Tech.
Oklahoma – Osage	Accounting	EORO-Osage Agency	McGuire, Lynn - Realty Asst.
Oklahoma – Osage	Accounting	BIA Osage Agency	Barbee, Eusty
Oklahoma – Osage	Accounting	BIA Osage Agency	Cowan, Nappy - Engineering Tech
Oklahoma – Osage	Accounting	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma – Osage	Accounting	Tribal Task Force	Overberg, Karole - Tribal Task Force
Oklahoma – Osage	Accounting	DOI/OST/Trust Systems & Projects	Marozas, Bryan
Oklahoma – Osage	Accounting	FTSO	LaPointe, Tim - FTSO
Oklahoma – Osage	Accounting	OTFM - Osage	Ledbetter, Joy A. - Lead Acct. Technician
Oklahoma – Osage	Accounting	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Oklahoma – Osage	Accounting	Osage Agency	Holloway, Leslie - Realty Asst.
Oklahoma – Osage	Accounting	Osage Agency	Garrett, Natalie S. - Agency Archeologist
Oklahoma – Osage	Accounting	Osage Agency	Tully, Steve
Oklahoma – Osage	Accounting		Woodcock, Alan - Attorney
Oklahoma - Osage	Accounting	BIA	Waters, Floyd - Realty Specialist
Oklahoma - Osage	Accounting	OTFM-EORO	Terrell, Rhonda L. - Financial Trust Operations Specialist
Oklahoma - Osage	Accounting	SPRO	Blackdeer, Melva - Acct. Tech
Oklahoma	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Oklahoma	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Oklahoma	Accounting	BIA Concho Agency	McCorkle, Scott
Oklahoma	Accounting	BIA-SPRO	Riggs, Charlene - Admin. Officer



Location	Process	Agency	Participant Name
Oklahoma	Accounting	BIA Concho Agency	Johnson, Galila
Oklahoma	Accounting	Wichita and Affiliated Tribes	McAdams, Gary - President
Oklahoma	Accounting	CA Tribes Concho	Brooks, Judy - Executive Asst.
Oklahoma	Accounting	OTFM	Beaver, Penny - Acct. Tech
Oklahoma	Accounting	BIA-EORO	Mathews, Lafonda - Social Worker
Oklahoma	Accounting	BIA-SPRO	Murdock, Retha - Social Worker
Oklahoma	Accounting	OTFM	Rogers, Gary - Division Chief
Oklahoma	Accounting	OTFM	Horse, Sophia - Financial Trust Ops Specialist
Oklahoma	Accounting	SPRO	Blackdeer, Melva - Acct. Tech
Oklahoma	Accounting	OTFM-EORO	Terrell, Rhonda L. - Financial Trust Operations Specialist
Oklahoma	Accounting	FTSO	LaPointe, Tim - FTSO
Oklahoma	Accounting	BIA	Spybuck, Gloria - Agency Superindendent
Oklahoma	Accounting	Eastern OK Regional Office	Hood, J - Acting Regional Financial Officer
Oklahoma	Accounting	Cherokee Nation	Viles, Philip
Oklahoma	Accounting	EORO-Osage Agency	McGuire, Lynn - Realty Asst.
Oklahoma	Accounting	Creek Nation	Ramsey, Rachel - Title Plant Supervisor
Oklahoma	Accounting	Navajo Nation	Seanez, Frank - Attorney
Oklahoma	Accounting	OTFM - Osage	Ledbetter, Joy A. - Lead Acct. Technician
Oklahoma	Accounting	BIA Osage Agency	Revard, Carole - Supv. Realty Specialist
Oklahoma	Accounting	BIA Osage Agency	Little, Heather - Lead Acct. Tech.
Oklahoma	Accounting	BIA Osage Agency	Wilcox, Lorraine - Supr. Realty Specialist
Oklahoma	Accounting	BIA Osage Agency	Barbee, Eusty
Oklahoma	Accounting	Kickapoo Tribe in Kansas	Thomas, Bernadette - Treasurer
Oklahoma	Accounting	BIA EOR	Head, Charles - Field Rep.
Oklahoma	Accounting	Choctaw Nation	Gabbart, Brenda - Realty Tech
Oklahoma	Accounting	BIA	Blackdeer, Royce - Realty Accountant
Oklahoma	Accounting	BIA-EORO	Ketcher, Karen - Tribal Op. Officer



Location	Process	Agency	Participant Name
Oklahoma	Accounting	Citizen Potawatomi Nation	Blair, Susan - Director of Finance
Oklahoma	Accounting	BIA	Mings, Larry - Field Representative
Oklahoma	Accounting	Wewoka Agency	Hayo, Nanette - Realty Assistant
Oklahoma	Accounting	BIA-SPRO	Roundface, Sharlene - Realty Spec.
Oklahoma	Accounting	Osage Agency	Tully, Steve
Oklahoma	Accounting	BIA Osage Agency	Stover, Denise - Realty Asst.
Oklahoma	Accounting	BIA Osage Agency	Cowan, Nappy - Engineering Tech
Oklahoma	Accounting	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma	Accounting	Tribal Task Force	Overberg, Karole - Tribal Task Force
Oklahoma	Accounting	DOI/OST/Trust Systems & Projects	Marozas, Bryan
Oklahoma	Accounting	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Oklahoma	Accounting	Osage Agency	Holloway, Leslie - Realty Asst.
Oklahoma	Accounting	Osage Agency	Garrett, Natalie S. - Agency Archeologist
Oklahoma	Accounting		Woodcock, Alan - Attorney
Oklahoma	Accounting	BIA	Waters, Floyd - Realty Specialist
Oklahoma	Appraisal	OST	Morris, Jerry - Regional Chief Appraiser
Oklahoma	Appraisal	BIA	Houle, Antoinette - Realty Specialist
Oklahoma	Appraisal	Muscogee Creek Nation	Tyler, Nelda - Appraiser
Oklahoma	Appraisal	OST	McGlamery, Pat - Appraiser
Oklahoma	Appraisal	OST	Paxton, Michael - Appraiser
Oklahoma	Appraisal	OST	Fodder, Fred - Appraiser
Oklahoma	Appraisal	Anadarko Agency	Springwater, Raymond - Realty Officer
Oklahoma	Appraisal	Chickasaw Agency	Abbott, Kim
Oklahoma	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Oklahoma	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Oklahoma	Appraisal	OST	Russell, Charley - Appraiser
Oklahoma	Appraisal	BIA	Smith, Preston - Range Specialist



Location	Process	Agency	Participant Name
Oklahoma	Appraisal	OST	Hatfield, Robert - Appraiser
Oklahoma	Appraisal	OST	Elsharry, Steve - Appraiser
Oklahoma	Appraisal	OST	Donanvon, Hank
Oklahoma	Appraisal	Citizen Potawatomi Nation	Tiger, Ruby - Realty Specialist
Oklahoma	Appraisal		Wylie, Wayne - Exec. Director Natural Resource
Oklahoma	Appraisal	OST/OAS	Buck, Teresa - Appraisal Clerk
Oklahoma	Appraisal	Kaw Nation	Vazquez, Cheryl
Oklahoma	Appraisal	Kaw Nation	Peterson, Jill
Oklahoma	Beneficiary Services	As-Is Business Model EDS Support	Wright, George - Facilitator
Oklahoma	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Oklahoma	Beneficiary Services	BIA Concho Agency	Knight, Paul - Land Operationalist Officer
Oklahoma	Beneficiary Services	BIA South Plains	Bruner, Terry - Tribal Gov.
Oklahoma	Beneficiary Services	BIA Osage Agency	Cowan, Nappy - Engineering Tech
Oklahoma	Beneficiary Services	BIA Osage Agency	Garrett, Natalie S. - Agency Archeologist
Oklahoma	Beneficiary Services	BIA Osage Agency	Barbee, Eusty
Oklahoma	Beneficiary Services	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma	Beneficiary Services	OTFM Shawnee	Rogers, Gary - Division Chief
Oklahoma	Beneficiary Services	BIA	Springwater, Dennis L. - Deputy RD
Oklahoma	Beneficiary Services	BIA	Mings, Larry - Field Representative
Oklahoma	Beneficiary Services	Choctaw Nation	Gabbart, Brenda - Realty Tech
Oklahoma	Beneficiary Services		Gibson, Jimmy - Acting Branch Chief
Oklahoma	Beneficiary Services	BIA EORO	Barnette, Ben
Oklahoma	Beneficiary Services	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Beneficiary Services	BIA Concho Agency	Johnson, Galila
Oklahoma	Beneficiary Services	OTFM - SPRO	Blackdeer, Melva - Acct. Tech
Oklahoma	Beneficiary Services	BIA Concho Agency	McCorkle, Scott
Oklahoma	Beneficiary Services	OTFM	Terrell, Rhonda L. - Financial Trust Operations Specialist
Oklahoma	Cadastral Survey	BLM/OITT	Bennett, John - Process Sponsor



Location	Process	Agency	Participant Name
	Services		
Oklahoma	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Oklahoma	Cadastral Survey Services	BLM	Beyerlein, Stephen
Oklahoma	Cadastral Survey Services	BIA/SPRO	Maytubby, Bruce - Realty Officer
Oklahoma	Cadastral Survey Services	BLM	Innes, Jay M.
Oklahoma	Cadastral Survey Services	BLM	Widmor, Rick
Oklahoma	Cadastral Survey Services	BLM	Casinger, Tom
Oklahoma	Cadastral Survey Services	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Cadastral Survey Services	Chickasaw Agency	Abbott, Kim
Oklahoma	Cadastral Survey Services	BIA Osage Agency	Cowan, Nappy - Engineering Tech
Oklahoma	Cadastral Survey Services	Choctaw Nation	Williams, Tom
Oklahoma	Cadastral Survey Services	BIA/EORO	Trickey, Randy - Realty Officer
Oklahoma	Cadastral Survey Services	BIA	Houle, Antoinette - Realty Specialist
Oklahoma	Cadastral Survey Services	Cherokee Nation	Viles, Philip
Oklahoma - Osage	Probate	As-Is Business Model EDS Support	Dougherty, Bob - Facilitator
Oklahoma - Osage	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Oklahoma - Osage	Probate	BIA Osage Agency	Holloway, Leslie - Realty Asst.
Oklahoma - Osage	Probate	BIA Osage Agency	Stover, Denise - Realty Asst.
Oklahoma - Osage	Probate	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Oklahoma - Osage	Probate	OTFM - Osage	Ledbetter, Joy A. - Lead Acct. Technician
Oklahoma - Osage	Probate	Choctaw Nation	Gabbart, Brenda - Realty Tech
Oklahoma - Osage	Probate	BIA Osage Agency	Fields, Jim - Superintendent



Location	Process	Agency	Participant Name
Oklahoma - Osage	Probate	BIA Muskogee	Springwater, Dennis L. - Deputy RD
Oklahoma - Osage	Probate	Muscogee Creek Nation	Tyler, Nelda - Appraiser
Oklahoma - Osage	Probate		Woodcock, Alan - Attorney
Oklahoma - Osage	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Oklahoma - Osage	Probate	BIA EORO	Hall, Pat - Realty Specialist
Oklahoma - Osage	Probate	OTFM	Horse, Sophia - Financial Trust Ops Specialist
Oklahoma - Osage	Probate	OTFM	Beaver, Penny - Acct. Tech
Oklahoma	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Oklahoma	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Oklahoma	Probate	BIA Chickasaw Agency	Wilson, Josephine - Realty Clerk
Oklahoma	Probate	OTFM-EORO	Terrell, Rhonda L. - Financial Trust Operations Specialist
Oklahoma	Probate	Wewoka Agency	Hayo, Nanette - Realty Assistant
Oklahoma	Probate	Sac & Fox Nation	Rolette, Sandra - A & D Specialist
Oklahoma	Probate	OTFM Shawnee	Rogers, Gary - Division Chief
Oklahoma	Probate	OHA-OKC	Reeh, Richard - ALJ
Oklahoma	Probate	United Keetoowah	Proctor, Dallas - Chief Untied Keetoowah Band
Oklahoma	Probate	United Keetoowah	Simon, Verna - Ex. ADM Assistant To the Chief
Oklahoma	Probate	Ho- Chunk Nation	Adair, JC - Public Relations
Oklahoma	Probate	Iowa Tribe of OK	LeFlore, Bryan - Realty Mgr.
Oklahoma	Probate	BIA-SPRO	Brane, Terry - Tribal Government
Oklahoma	Probate	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma	Probate	BIA Muskogee	Springwater, Dennis L. - Deputy RD
Oklahoma	Probate		Woodcock, Alan - Attorney
Oklahoma	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Oklahoma	Probate	BIA EORO	Hall, Pat - Realty Specialist



Location	Process	Agency	Participant Name
Oklahoma	Probate	OTFM	Horse, Sophia - Financial Trust Ops Specialist
Oklahoma	Probate	BIA Osage Agency	Holloway, Leslie - Realty Asst.
Oklahoma	Probate	BIA Osage Agency	Stover, Denise - Realty Asst.
Oklahoma	Probate	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Oklahoma	Probate	Choctaw Nation	Gabbart, Brenda - Realty Tech
Oklahoma	Probate	BIA	Waters, Floyd - Realty Specialist
Oklahoma	Probate	OTFM - Osage	Ledbetter, Joy A. - Lead Acct. Technician
Oklahoma	Probate	Creek Nation	Martin, Sabrina - Realty Clerk
Oklahoma	Probate	BIA	Mings, Larry - Field Representative
Oklahoma	Probate	BIA	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Oklahoma	Subsurface	Chippewa Cree Tribe	Belcourt, Lena - Tribal Task Force Rep.
Oklahoma	Subsurface	Sac and Fox Nation	Walker, Linda
Oklahoma	Subsurface	OK/TX Region,	Tyler, Paul - Manager
Oklahoma	Subsurface		Winlork, Richard A. - Supervisory Eng. Tech.
Oklahoma	Subsurface		Yates, Paul - Petroleum Engineer
Oklahoma	Subsurface	SPRO	Ray, Sandy - Realty Specialist
Oklahoma	Subsurface	Osage Agency	Bighorse, Vann
Oklahoma	Subsurface	BIA Osage Agency	Hurlburt, Charles - Petroleum Engineer
Oklahoma	Subsurface	BLM	Johnson, Fred - EPS
Oklahoma	Subsurface	BLM	Ogden, Glen - PET
Oklahoma	Subsurface	BLM	Tyler, Keith - EPS
Oklahoma	Subsurface	BIA Osage Agency	Revard, Carole - Supv. Realty Specialist
Oklahoma	Subsurface	BIA Osage Agency	Wilcox, Lorraine - Supr. Realty Specialist
Oklahoma	Subsurface	BIA Osage Agency	Barbee, Eusty
Oklahoma	Subsurface	BLM	Middleton, Roger A. - Asst. Field Mgr.
Oklahoma	Subsurface	BLM	Drywater, Mary Lou - Field Station Manager



Location	Process	Agency	Participant Name
Oklahoma	Subsurface	Shawnee Field Office	Wetselline, Frances - Realty Specialist
Oklahoma	Subsurface	BIA	Asenap, Eva L. - Realty Specialist
Oklahoma	Subsurface	Concho Agency	Quetone, Lori - Realty Specialist
Oklahoma	Subsurface	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Subsurface	BIA Muskogee	Springwater, Dennis L. - Deputy RD
Oklahoma	Subsurface	BIA EORO	Trickey, Randy - Realty Officer
Oklahoma	Subsurface	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma	Subsurface	BIA	Mings, Larry - Field Representative
Oklahoma	Subsurface	BIA	Waters, Floyd - Realty Specialist
Oklahoma	Subsurface	BLM	Wade, Jim - PET
Oklahoma	Subsurface	BLM	McMillan, Darla - Petroleum Engineer Tech.
Oklahoma	Subsurface	BLM	Franks, James - PET
Oklahoma	Subsurface	BLM	Melton, Dan
Oklahoma	Subsurface	BIA SPRO	Maytubby, Bruce - Realty Officer
Oklahoma	Subsurface	BLM	Moore, George
Oklahoma	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Oklahoma	Subsurface	Fort Sill Apache Tribe	Tippeconnic, Charles - Director of Programs
Oklahoma	Subsurface	BIA Anadarko	Oheltoint, Debbie - Realty Assistant
Oklahoma	Subsurface	BIA EORO	Yandell, Sheila - Realty Specialist
Oklahoma	Subsurface	BIA EORO	Jenkins, Annette - Supervisory Realty Specialist
Oklahoma	Subsurface	BLM	Keyes, Lee - PET
Oklahoma	Subsurface	Osage Agency	Tully, Steve
Oklahoma	Subsurface	DOI/BLM	Kent, Daniel - PET
Oklahoma	Subsurface		Shoun, F.D. - PET
Oklahoma	Subsurface	BLM	Kidd, Sam - PET
Oklahoma	Subsurface	BLM	Witter, Steve - PET
Oklahoma	Subsurface	SPRO	Blackdeer, Melva - Acct. Tech
Oklahoma	Subsurface		Williamson, Tracie - Attorney
Oklahoma	Subsurface	Iowa Tribe of OK	LeFlore, Bryan - Realty Mgr.



Location	Process	Agency	Participant Name
Oklahoma	Subsurface	BLM	Mehlhoff, John - Field Manager
Oklahoma	Subsurface	Choctaw Nation	Blankenship, Bill - Director Water Resource
Oklahoma	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Oklahoma	Subsurface	Tulsa Field Office	Aycock, Sharon
Oklahoma	Subsurface	Oklahoma Field Office	Aitken, Alan
Oklahoma	Subsurface	Choctaw Nation	Williams, Tom
Oklahoma	Subsurface	BLM	Wymer, Richard - Asst. Field Mgr.
Oklahoma	Subsurface	Cherokee Nation	Swimmer, Angelia - Realty Technician
Oklahoma	Subsurface	BLM	White, Margie
Oklahoma	Subsurface	Cheyenne Arapaho Tribes	Tabor, Robert - Chairman
Oklahoma	Subsurface	BLM	Briscoe, Glenda - Asst. Field Manager
Oklahoma	Subsurface	BLM	Huany, Tjin - Petroleum Engineer
Oklahoma	Subsurface	BLM	Elkins, Joye - Carto Tech
Oklahoma	Subsurface	BLM	Wheeler, Pam - Land Law Examiner
Oklahoma	Subsurface	BLM	Wells, Sanford - Petroleum Engineer
Oklahoma	Subsurface	As-Is Business Model EDS Support	Pauli, Jim
Oklahoma	Subsurface	BLM	Northcutt, John - Archeologist
Oklahoma	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Oklahoma	Surface - Water	OITT/BIA	Fielitz, Rick - Process Sponsor
Oklahoma	Surface - Water	EORO	Snyder-Osmun, Pamela - Environmental Scientist
Oklahoma	Surface - Water	EORO	Stevens, Eldino
Oklahoma	Surface - Water	EORO	Gibson, Jimmy - Acting Branch Chief
Oklahoma	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Oklahoma	Surface - Forestry	OITT/BIA	Fielitz, Rick - Process Sponsor
Oklahoma	Surface - Forestry		Hammond, Mark - Forester
Oklahoma	Surface - Forestry		Gibson, Jimmy - Acting Branch Chief
Oklahoma	Surface - Forestry	United Keetoowah	Simon, Verna - Ex. ADM Assistant



Location	Process	Agency	Participant Name
			To the Chief
Oklahoma	Surface - Forestry	United Keetoowah	Proctor, Dallas - Chief Untied Keetoowah Band
Oklahoma	Surface - Forestry	Cherokee Nation	Holland, Trent - Forest Fire Management Specialist
Oklahoma	Surface - Long-Term	Anadarko	Beatty, George - Realty Specialist
Oklahoma	Surface - Long-Term	BIA	Houle, Antoinette - Realty Specialist
Oklahoma	Surface - Long-Term	Shawnee Tribe	Smith, Donny - Realty Director
Oklahoma	Surface - Long-Term	SPRO	Ray, Sandy - Realty Specialist
Oklahoma	Surface - Long-Term	OITT/BIA	Fielitz, Rick - Process Sponsor
Oklahoma	Surface - Long-Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Oklahoma	Surface - Long-Term	DataCom	Pinon, Carol - Support
Oklahoma	Surface - Long-Term	Creek Nation	Watashe, Vicky - Realty Asst.
Oklahoma	Surface - Long-Term	Concho Agency	Sandhill, Ed - Realty Specialist
Oklahoma	Surface - Long-Term	Sac & Fox Nation	Walker, Linda
Oklahoma	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Oklahoma	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor
Oklahoma	Surface - Ag Leasing	Anadarko	Beatty, George - Realty Specialist
Oklahoma	Surface - Ag Leasing	Concho Agency	Sandhill, Ed - Realty Specialist
Oklahoma	Surface - Ag Leasing	As-Is Business Model EDS Support	Rugel, Mike
Oklahoma	Surface - Ag Leasing	SPRO	Ray, Sandy - Realty Specialist
Oklahoma	Surface - Ag Leasing	Chickasaw Agency	Kenya, Jessie - Reality Specialist
Oklahoma	Surface - Ag Leasing	Cherokee Nation	Hummingbird, Lurice - Realty Specialist
Oklahoma	Surface - Ag Leasing	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Surface - Ag Leasing	Choctaw Nation	French, Traci - Realty Specialist
Oklahoma	Surface - Ag Leasing	BIA	Mings, Larry - Field Representative
Oklahoma	Surface - Ag Leasing	Wewoka Agency	Streater, Eddie - Realty Specialist
Oklahoma	Surface - Ag Leasing	Anadarko Agency	Springwater, Raymond - Realty Officer
Oklahoma	Surface - Ag Leasing	Tribal Task Force	Bear, Myrna - Tribal Task Force
Oklahoma	Surface - Ag Leasing	Fort Sill Apache Tribe	Tippeconnic, Charles - Director of



Location	Process	Agency	Participant Name
			Programs
Oklahoma	Surface - Ag Leasing	Alabama-Coushatta	Yargee, Tarpie - Chief
Oklahoma	Surface - Ag Leasing	Cherokee Nation	Swimmer, Angelia - Realty Technician
Oklahoma	Surface - Ag Leasing	Cherokee Nation	Phillips, Tammy - Realty Specialist
Oklahoma	Surface - Ag Leasing	BIA	Houle, Antoinette - Realty Specialist
Oklahoma	Surface - Ag Leasing	Fort Sill Apache Tribe	Gooday, Lupe A. - Vice-Chairman
Oklahoma	Surface - Ag Leasing	Shawnee Tribe	Smith, Donny - Realty Director
Oklahoma	Surface - Ag Leasing	Iowa Tribe of OK	LeFlore, Bryan - Realty Mgr.
Oklahoma	Surface - Ag Leasing	Muscogee Creek Nation	McIntosh-Lytch, Sonya - Realty Manager
Oklahoma	Surface - Ag Leasing	Osage Agency	Holloway, Leslie - Realty Asst.
Oklahoma	Surface - Ag Leasing	Osage Agency	Garrett, Natalie S. - Agency Archeologist
Oklahoma	Surface - Ag Leasing	Citizen Potawatomi Nation	Butcher, Rhonda - Self-Governance
Oklahoma	Surface - Ag Leasing	Concho Agency	Williams, Jerry - Soil Conservationist
Oklahoma	Surface - Ag Leasing	BIA Concho Agency	Knight, Paul - Land Operationalist Officer
Oklahoma	Surface - Ag Leasing	OST	Morris, Jerry - Regional Chief Appraiser
Oklahoma	Surface - Ag Leasing	Wewoka Agency	Butler, Roger - Lease Compliance
Oklahoma	Surface - Ag Leasing	Muscogee Creek Nation	Tyler, Nelda - Appraiser
Oklahoma	Surface - Ag Leasing	Citizen Potawatomi Nation	Tiger, Ruby - Realty Specialist
Oklahoma	Surface - Ag Leasing	United Keetoowah	Simon, Verna - Ex. ADM Assistant To the Chief
Oklahoma	Surface - Ag Leasing	United Keetoowah	Proctor, Dallas - Chief Untied Keetoowah Band
Oklahoma	Surface - Ag Leasing	Chickasaw Agency	Kemp, Jessie - Realty Specialist
Oklahoma	Surface - Ag Leasing	Eastern Shawnee Tribe	Mckee, Bill
Oklahoma	Surface - Ag Leasing	Cheyenne Arapaho Tribes	Tabor, Robert - Chairman
Oklahoma	Surface - Ag Leasing	Cherokee Nation	Viles, Philip
Oklahoma	Surface - Ag Leasing	BIA Osage Agency	Cowan, Nappy - Engineering Tech
Oklahoma	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Oklahoma	Title	MN Agency (OITT	Smith, Joel - Process Sponsor



Location	Process	Agency	Participant Name
		Detail) Trust Sponsor	
Oklahoma	Title	Cherokee Nation	Holland, Trent - Forest Fire Management Specialist
Oklahoma	Title	Cherokee Nation	Rutherford, Radera - Supervisor Real Estate Services
Oklahoma	Title	Muscogee Creek Nation	Tyler, Nelda - Appraiser
Oklahoma	Title	Choctaw Nation	Flowers, Steven
Oklahoma	Title	BIA EORO	Hall, Pat - Realty Specialist
Oklahoma	Title	BIA EORO	May, Minnie
Oklahoma	Title	BIA LTRO	Tofpi, Evelyn
Oklahoma	Title	BIA	Sanders, Jaydee - Real Estate Service
Oklahoma	Title	BIA SPRO	Satipehtaer, Frieda
Oklahoma	Title	BIA Osage Agency	Stover, Denise - Realty Asst.
Oklahoma	Title	BIA Osage Agency	Fields, Jim - Superintendent
Oklahoma	Title	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Oklahoma	Title	Creek Nation	Foster, Rachel
Oklahoma	Title	Muscogee Creek Nation	O'Dell, Jeff
Oklahoma	Title	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Oklahoma	Title	OITT	Swimmer, Ross
Oklahoma	Title	BIA EORO	Trickey, Randy - Realty Officer
Oklahoma	Title	Muscogee Creek Nation	Jack, Lanissa
Oklahoma	Title	Kaw Nation	Vazquez, Cheryl
Oklahoma	Title	UKB	Moss, Julie
Oklahoma	Title	United Keetoowah	Proctor, Dallas - Chief Untied Keetoowah Band
Oklahoma	Title	United Keetoowah	Simon, Verna - Ex. ADM Assistant To the Chief
Oklahoma	Title	Muscogee Creek Nation	Hamilton, Kathy
Oklahoma	Title	Choctaw Nation	Williams, Tom
Oklahoma	Title		Whitecrow, Leana
Oklahoma	Title	Choctaw Nation	Gabbart, Brenda - Realty Tech
Oklahoma	Title	UKB	Harrison, Terrie



Location	Process	Agency	Participant Name
Oklahoma	Title	Sac & Fox Nation	Hunter, Carrie
Oklahoma	Title	Choctaw Nation	French, Traci - Realty Specialist
Oklahoma	Title	BIA EOR	Head, Charles - Field Rep.
Oklahoma	Title	BIA Muskogee	Springwater, Dennis L. - Deputy RD
Oklahoma	Title	Shawnee Tribe	Pitcher, Greg
Oklahoma	Title	BIA	Waters, Floyd - Realty Specialist
Oklahoma	Title		Fife, Bill
Oklahoma	Title	Navajo Nation	Seanez, Frank - Attorney
Oklahoma	Title	Muscogee Creek Nation	Adams, Niedra
Oklahoma	Title	Tribal Task Force	Kinlichee, Philip - Tribal Task Force
Oklahoma	Title	BIA-SPRO	Roundface, Sharlene - Realty Spec.
Oklahoma	Title	Cherokee Nation	Phillips, Tammy - Realty Specialist
Oklahoma	Title	Cherokee Nation	Hummingbird, Lurice - Realty Specialist
Oklahoma	Title	Chickasaw Agency	Abbott, Kim
Oklahoma	Title	Citizen Patawatomi Nation	Haney, Carol
Oklahoma	Title	Cherokee Nation	Ragsdale, Pat
Oklahoma	Title	Miami Nation of OK	Gamble, Tom
Oklahoma	Title	Creek Nation	Ramsey, Rachel - Title Plant Supervisor
Oklahoma	Title	Eastern Shawnee Tribe	Mckee, Bill
Oklahoma	Title	Sac & Fox Nation	Rolette, Sandra - A & D Specialist
Oklahoma	Title	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Oklahoma	Title	Tribal Task Force	Bear, Myrna - Tribal Task Force
Rocky Mountain	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Rocky Mountain	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Rocky Mountain	Accounting	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Rocky Mountain	Accounting	BIA	Weigand, Anita
Rocky Mountain	Accounting	KMR-OTFM	Loudermilk, Weldon "Bruce"



Location	Process	Agency	Participant Name
			Financial Trust Services Officer
Rocky Mountain	Accounting	Ft. Peck OTFM	Viviei, Anita
Rocky Mountain	Accounting	OTFM - Ft. Belknap	Weasel, Pamela - M.
Rocky Mountain	Accounting	Chippewa Creek	Sotherland, Lydia - Tribal Planner
Rocky Mountain	Accounting	OTFM	Cawler, Leoda - Acct. Tech.
Rocky Mountain	Accounting	OTFM - Crow Agency	Hugs, Carrie
Rocky Mountain	Accounting	KMR-OTFM	Bullshoe, Lisa - Supervisory Accountant (Regional Trust Accountant)
Rocky Mountain	Accounting	BIA Blackfeet	Tatsey, Tracy - Realty Specialist
Rocky Mountain	Accounting	BIA, Fort Peck Agency	White Eagle, Florence - Realty Officer
Rocky Mountain	Accounting	BIA	White, John - Superintendent
Rocky Mountain	Accounting	BIA/OITT	Maddox, Greg
Rocky Mountain	Accounting	BIA	Stewart, Vianna - Realty Spec.
Rocky Mountain	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Rocky Mountain	Appraisal		Smith, Barry W. - Regional Appraiser
Rocky Mountain	Appraisal	Wind River Agency	Nation, Ray A.
Rocky Mountain	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Rocky Mountain	Beneficiary Services	As-Is Business Model EDS Support	Wright, George - Facilitator
Rocky Mountain	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Rocky Mountain	Beneficiary Services	BIA	Jackson, Gordon
Rocky Mountain	Beneficiary Services	Chippewa Cree	Sutherland, Lydia
Rocky Mountain	Beneficiary Services	KMR-OTFM	Bullshoe, Lisa - Supervisory Accountant (Regional Trust Accountant)
Rocky Mountain	Beneficiary Services	KMR-OTFM	Loudermilk, Weldon "Bruce" Financial Trust Services Officer
Rocky Mountain	Beneficiary Services	Ft. Peck OTFM	Viviei, Anita
Rocky Mountain	Beneficiary Services	OTFM - Crow Agency	Hugs, Carrie
Rocky Mountain	Beneficiary Services	OTFM - Ft. Belknap	Weasel, Pamela - M.
Rocky Mountain	Beneficiary Services	OTFM - Wind River	Cawler, Leoda
Rocky Mountain	Beneficiary Services	Tribal Task Force	Kinlicee, Philip – Tribal Task



Location	Process	Agency	Participant Name
			Force
Rocky Mountain	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Rocky Mountain	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Rocky Mountain	Cadastral Survey Services	BLM	Deiling, Thomas
Rocky Mountain	Cadastral Survey Services	BLM	Schey, Steve
Rocky Mountain	Cadastral Survey Services	Wind River Agency	Nation, Ray A.
Rocky Mountain	Cadastral Survey Services	Montana State Office	Pfosch, Heidi
Rocky Mountain	Probate	BIA/OITT	Maddox, Greg - Probate Sponsor
Rocky Mountain	Probate	BIA/OITT	Buck Elk, Michele
Rocky Mountain	Probate	BIA	Gordepi, Myma J.
Rocky Mountain	Probate	BIA	Scott, Debbie - Realty Specialist
Rocky Mountain	Probate	OHA	Kelly, Christine
Rocky Mountain	Probate	OHA	Holt, Robert
Rocky Mountain	Probate	OHA	Jones, Albert
Rocky Mountain	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Rocky Mountain	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Rocky Mountain	Probate	Tribal Task Force	Berrey, John
Rocky Mountain	Probate	BIA	FallsDown, Lydia - Real Estate Services
Rocky Mountain	Probate	ADM OFC	Naranjo, Phyllis
Rocky Mountain	Probate	BIA	Benjamin, Bill
Rocky Mountain	Probate	BIA	Smith, Jill
Rocky Mountain	Probate	CSL	Bird Bear, Thomas
Rocky Mountain	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Rocky Mountain	Subsurface	Chippewa Cree Tribe	Belcourt, Robert
Rocky Mountain	Subsurface	BLM	Good, Rebecca
Rocky Mountain	Subsurface		Shields, Meroyu
Rocky Mountain	Subsurface	Fort Peck Tribes	Raffael, Kee (Kip)



Location	Process	Agency	Participant Name
Rocky Mountain	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Rocky Mountain	Subsurface	BLM	Huescke, Randy
Rocky Mountain	Subsurface	BLM	Giovauini, Bob
Rocky Mountain	Subsurface	Wind River Agency	Nation, Ray A.
Rocky Mountain	Subsurface	Ft. Peck OTFM	Ackerman, Darlene
Rocky Mountain	Subsurface	BLM	Bagley, Lonny
Rocky Mountain	Subsurface	Blackfeet Tribe	Lawrence, Jeri
Rocky Mountain	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Rocky Mountain	Subsurface	BLM	Owen, Hal
Rocky Mountain	Subsurface	BLM	Lambert, Will
Rocky Mountain	Subsurface	BLM	Ceroveki, Stuart
Rocky Mountain	Subsurface	BLM	Stilwell, Dean
Rocky Mountain	Subsurface	BIA	Weigand, Anita
Rocky Mountain	Subsurface	BLM	Dong, Chun
Rocky Mountain	Subsurface	Chippewa Cree Tribe	Belcourt, Lena - Tribal Task Force Rep.
Rocky Mountain	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Rocky Mountain	Surface - Forestry	OITT/BIA	Fielitz, Rick - Process Sponsor
Rocky Mountain	Surface - Forestry		Corbin, Tom - RFMO
Rocky Mountain	Surface - Forestry		Card, Bruce - Forester
Rocky Mountain	Surface - Forestry		Nemeth, Tom - Forest Mgr.
Rocky Mountain	Surface - Forestry		Townsend, Brian - Forester
Rocky Mountain	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Rocky Mountain	Surface - Water	OITT/BIA	Fielitz, Rick - Process Sponsor
Rocky Mountain	Surface - Water		Pollock, Stephen - Regional Safety of Dams Officer
Rocky Mountain	Surface - Water		Teegarden, Travis - Regional Agricultural Engineer, Acting Lead Branch of Water Resources
Rocky Mountain	Surface - Water		Sienko, Bob - Acting NRO, RMRO
Rocky Mountain	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Rocky Mountain	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor



Location	Process	Agency	Participant Name
Rocky Mountain	Surface - Ag Leasing	BIA	Berger, Sheryl - Realty Spec.
Rocky Mountain	Surface - Ag Leasing	Chippewa Cree Tribe	Belcourt, Lena - Tribal Task Force Rep.
Rocky Mountain	Surface - Ag Leasing	BIA/OITT	Bearskin, Barbara
Rocky Mountain	Surface - Ag Leasing	Tribal Task Force	Bear, Myrna - Tribal Task Force
Rocky Mountain	Surface - Ag Leasing	BIA	Stewart, Vianna - Realty Spec.
Rocky Mountain	Surface - Ag Leasing	As-Is Business Model EDS Support	Rugel, Mike
Rocky Mountain	Surface - Ag Leasing	BIA Blackfeet	Tatsey, Tracy - Realty Specialist
Rocky Mountain	Surface - Ag Leasing	Tribal Task Force	Overberg, Karole - Tribal Task Force
Rocky Mountain	Surface - Range	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Rocky Mountain	Surface - Range	BIA/OITT	Abe, George - Process Sponsor
Rocky Mountain	Surface - Range	BIA - Blackfeet Agency	Doorer, Roy H.
Rocky Mountain	Surface - Range	BIA	Hanley, Allan
Rocky Mountain	Surface - Range	BIA	Hopkins, Dave - Rangeland Mgt. Specialist
Rocky Mountain	Surface - Range	BIA	Smith, Preston - Range Specialist
Rocky Mountain	Surface - Range	Chippewa Cree Tribe	Belcourt, Robert
Rocky Mountain	Surface - Long Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Rocky Mountain	Surface - Long Term	BIA/OITT	Fielitz, Rick - Process Sponsor
Rocky Mountain	Surface - Long Term	BIA	Berger, Sheryl - Realty Spec.
Rocky Mountain	Surface - Long Term	Chippewa Cree Tribe	Stump, Suzanne
Rocky Mountain	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Rocky Mountain	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Rocky Mountain	Title	BIA - R.E.S	LaConte, Darryl
Rocky Mountain	Title	BIA/OITT	Buck Elk, Michele
Rocky Mountain	Title	Chippewa Cree Tribe	Weychild, Bernadine
Rocky Mountain	Title	BIA	Jackson, Gordon
Rocky Mountain	Title	BIA	Scott, Debbie - Realty Specialist
Rocky Mountain	Title	BIA-LTRO	Maxwell, Arlene
Rocky Mountain	Title	BIA-Ft. Peck	Pipe, Shelly



Location	Process	Agency	Participant Name
Rocky Mountain	Title	BIA - RMRO	Kiely, Jacquelyn
Rocky Mountain	Title	BIA, Fort Peck Agency	White Eagle, Florence - Realty Officer
Rocky Mountain	Title	BIA - Rocky Mtn. Region Credit	Comeau, Deanna
Rocky Mountain	Title	Ft. Peck OTFM	Moran, Agnes
Rocky Mountain	Title	Tribal Task Force	Overberg, Karole - Tribal Task Force
Navajo	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Navajo	Accounting	OST	Gohard, Sim Wing - Process Sponsor
Navajo	Accounting	OTFM	Moore, Virginia - RTA
Navajo	Accounting	OTFM	Begay, Emiline - Accounting Tech.
Navajo	Accounting	NRO/BIA	Smith, Orlinda
Navajo	Accounting	NRO/BIA	Eastman, Marie
Navajo	Accounting	NRO/BIA	Yazza, Vivian - Supply Proj. Spec.
Navajo	Accounting	BIA	Hemstreet, Thomas
Navajo	Accounting	OTFM	Crosby, JoAnn - Accounting Tech.
Navajo	Accounting	Navajo Nation	Johnson-Nez, Laura - Mgmt Analyst
Navajo	Accounting	BIA	Begay, Lucille
Navajo	Accounting	BIA	Perry, Felicita - Realty Clerk
Navajo	Accounting		Francisco, Thelma - Realty Specialist
Navajo	Accounting	NRO-OTFM	Wilson, Phyllis A. - Accounting Technician
Navajo	Accounting	BIA	Silago, Bessie C.
Navajo	Accounting	NOW, RES	Benally, Arlene
Navajo	Accounting	Navajo Nation	Nellie, Jim - Realty Clerk
Navajo	Accounting	Eastern Navajo	Murphy, Helen - Secretary
Navajo	Accounting	BIA	Underwood, Dale V. - Staff Accountant
Navajo	Accounting	BIA	Lujan, Mary - Real Estate Sup.
Navajo	Accounting	BIA	Martinez, Kavi - Realty Clerk
Navajo	Accounting	BIA	DeGroat, Jerry - Realty Officer



Location	Process	Agency	Participant Name
Navajo	Accounting	NRO/BIA	Tsosie, Ella - Realty Clerk
Navajo	Accounting	BIA/RES	Watchman, Priscilla - Realty Specialist
Navajo	Accounting	RES Ft. Defiance Agency	Chee, Clarina - Realty Specialist
Navajo	Accounting	OTFM	Gorman, Marie - Accounting Tech.
Navajo	Accounting	NRO,BIA,RES	Wauneba, Beverly - Realty Specialist
Navajo	Accounting	BIA	Thomas, Roselita Realty Assistant
Navajo	Accounting		Billie, Eehie - Realty Clerk
Navajo	Accounting		Haver, Sherri - Range Spec.
Navajo	Accounting	NRO/BIA	Yazzie, Lena M.
Navajo	Accounting	BIA - RES	Perry, Ettaline
Navajo	Accounting		Jim, Ruth A. - Realty Assistant
Navajo	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Navajo	Appraisal	BIA	Russell, Harold D. - Natural Resource Spec.
Navajo	Appraisal	BIA	Morrison, Gary
Navajo	Appraisal	OST/OAS, Navajo Region	Lewis, Deborah
Navajo	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Navajo	Appraisal	Window Rock Agency	Kee, Raymond - Title Supervisor
Navajo	Appraisal		Frazier, Bill
Navajo	Appraisal	Navajo Nation Council	Keeswood, Ervin
Navajo	Appraisal		Becenti, Leonard - Realty Specialist
Navajo	Appraisal	BIA	Lujan, Mary - Real Estate Sup.
Navajo	Appraisal	Tribal Task Force	Bear, Myrna - Tribal Task Force
Navajo	Beneficiary Services	As-Is Business Model EDS Support	Wright, George- Facilitator
Navajo	Beneficiary Services	OST	Marozas, Bryan - Process Sponsor
Navajo	Beneficiary Services	BIA, Chinle Realty	Jim, Dellia
Navajo	Beneficiary Services	NRO/BIA	Eastman, Marie
Navajo	Beneficiary Services	NOW, RES	Benally, Arlene
Navajo	Beneficiary Services	NRO/BIA	Becenti, Fern



Location	Process	Agency	Participant Name
Navajo	Beneficiary Services	NRO/BIA	Yazzie, Lena M.
Navajo	Beneficiary Services	NRO/BIA	Tsosie, Ella - Realty Clerk
Navajo	Beneficiary Services		Wauneka, Oma M. - Realty Specialist
Navajo	Beneficiary Services	NRO/BIA	Smith, Orlinda
Navajo	Beneficiary Services	NRO-OTFM-IIM	Wilson, Phyllis A. - Accounting Technician
Navajo	Beneficiary Services	BIA - RES	Cayatinet, Fran - Realty Specialist
Navajo	Beneficiary Services	BIA - RES	Perry, Ettaline
Navajo	Beneficiary Services	BIA - RES	Shorty, Bertha - Realty Specialist
Navajo	Beneficiary Services	BIA - RES	Cody, Mary E. - Realty Specialist
Navajo	Beneficiary Services	IIM/Navajo	Gorman, Marie - Accounting Tech.
Navajo	Beneficiary Services	NRO, BIA, ES	Tsosie, Loretta
Navajo	Beneficiary Services	OTR (ADM)	Toledo, Allan - ADM
Navajo	Beneficiary Services	BIA	Russell, Harold D. - Natural Resource Spec.
Navajo	Beneficiary Services	BIA	Badoni, Donald
Navajo	Beneficiary Services	BIA	Thomas, Roselita Realty Assistant
Navajo	Beneficiary Services	RES Ft. Defiance Agency	Chee, Clarina - Realty Specialist
Navajo	Beneficiary Services	BIA/ERO Nashville Realty	Langan, Suzanne - Realty Specialist
Navajo	Beneficiary Services	BIA/RES	Watchman, Priscilla - Realty Specialist
Navajo	Beneficiary Services	NRO,BIA,RES	Wauneka, Beverly - Realty Specialist
Navajo	Beneficiary Services	NRO,FDA,BNR	Roanhorse, Nelson
Navajo	Beneficiary Services	BIA	Harrison, Roxanne
Navajo	Beneficiary Services	BIA	Raymond, Tracy
Navajo	Beneficiary Services	BIA/Ft. Defiance	Larsen, Herbert - Range Tech.
Navajo	Beneficiary Services	BIA	Roun, Charlotte
Navajo	Beneficiary Services	BIA/NRO	Heeter, Irene
Navajo	Beneficiary Services	BIA-NRO	Chicharello, Eloise
Navajo	Beneficiary Services	Navajo Nation	Aguirre, Bertha
Navajo	Beneficiary Services	OTFM	Moore, Virginia - RTA
Navajo	Beneficiary Services	OTFM	Crosby, JoAnn - Accounting Tech.



Location	Process	Agency	Participant Name
Navajo	Beneficiary Services	BLM	Olver, Bill
Navajo	Beneficiary Services	BIA	Begay, Lucille
Navajo	Beneficiary Services	FIMO	Sells, Arnold - Auditor
Navajo	Beneficiary Services	BIA	DeGroat, Jerry - Realty Officer
Navajo	Beneficiary Services	BIA	Silago, Bessie C.
Navajo	Beneficiary Services		Jim, Ruth A. - Realty Assistant
Navajo	Beneficiary Services	BIA	Hemstreet, Thomas
Navajo	Beneficiary Services	RES	Carley, Elsa J.
Navajo	Beneficiary Services	OHA - ALJ	McDonald, Patricia
Navajo	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Navajo	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Navajo	Cadastral Survey Services	BIA	Naminsha, T.J.
Navajo	Cadastral Survey Services	BLM	Werdel, Jim
Navajo	Cadastral Survey Services	BLM	Olver, Bill
Navajo	Cadastral Survey Services		Dehiya, Alfred
Navajo	Cadastral Survey Services		Joe, Charles
Navajo	Cadastral Survey Services	BIA	Yazzie, Lena M.
Navajo	Cadastral Survey Services	BIA	Morrison, Gary
Navajo	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Navajo	Probate	As-Is Business Model EDS Support	Dougherty, Bob - Facilitator
Navajo	Probate	NRO/BIA	Tsosie, Ella - Realty Clerk
Navajo	Probate	NRO/BIA	Yazzie, Lena M.
Navajo	Probate	OTR (ADM)	Toledo, Allan - ADM
Navajo	Probate	OHA - ALJ	McDonald, Patricia
Navajo	Probate	BIA - RES	Cayatinet, Fran - Realty Specialist
Navajo	Probate	NR-RES	Curley, Elsa J.
Navajo	Probate	NRO	Graham, Steve - Regional Realty Officer



Location	Process	Agency	Participant Name
Navajo	Probate	BIA	Thomas, Jerry W.
Navajo	Probate	BIA	Russell, Harold D. - Natural Resource Spec.
Navajo	Probate	BIA/BNR	Begay, Ben - Range Tech.
Navajo	Probate	BIA/BNR	Yazzie, Olsen - Civil Eng. Tech.
Navajo	Probate	BIA	DeGroat, Jerry - Realty Officer
Navajo	Probate	OTFM	Begay, Emiline - Accounting Tech.
Navajo	Probate	OTFM	Gorman, Marie - Accounting Tech.
Navajo	Probate	OTFM	Moore, Virginia - RTA
Navajo	Probate	OTFM	Crosby, JoAnn - Accounting Tech.
Navajo	Probate	BIA/ERO Nashville Realty	Langan, Suzanne - Realty Specialist
Navajo	Probate	BIA	Joe, Dorothy - Realty Clerk
Navajo	Probate	BIA	Thomas, Roselita Realty Assistant
Navajo	Probate	BIA - RES	Cody, Mary E. - Realty Specialist
Navajo	Probate	BIA - RES	Shorty, Bertha - Realty Specialist
Navajo	Probate	RES Ft. Defiance Agency	Chee, Clarina - Realty Specialist
Navajo	Probate	BIA/RES	Watchman, Priscilla - Realty Specialist
Navajo	Probate	BIA/RES	Walker, Martina - Realty Clerk
Navajo	Probate	NRO,BIA,RES	Wauneba, Beverly - Realty Specialist
Navajo	Probate	OHA	Yazzie, Janet - Attorney
Navajo	Probate	BIA	Roan, Charlotte - Range Technician
Navajo	Probate	Tribal Task Force	Bear, Myrna - Tribal Task Force
Navajo	Probate	NRO-OTFM	Wilson, Phyllis A. - Accounting Technician
Navajo	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Navajo	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Navajo	Subsurface	BLM	Lovato, Jim
Navajo	Subsurface	BLM	Martinez, Marcella
Navajo	Subsurface	Navajo Land Dept.	Draper, Howard Phillip - AS01
Navajo	Subsurface	NRO	Graham, Steve - Regional Realty Officer



Location	Process	Agency	Participant Name
Navajo	Subsurface	BIA	Balderaz, Vince
Navajo	Subsurface	FIMO	Sells, Arnold - Auditor
Navajo	Subsurface	BIA	Spencer, Bertha
Navajo	Subsurface	BLM	Olsen, James
Navajo	Subsurface	BLM	Hom, Moon
Navajo	Subsurface	Navajo Nation	Das, Ram S.
Navajo	Subsurface	FIMO	Mariano, Irvin
Navajo	Subsurface	FIMO	Gambrell, Kevin
Navajo	Subsurface	FIMO	Miles, James
Navajo	Subsurface	FIMO	Mai, Allan
Navajo	Subsurface	FIMO	Blakard, William F.
Navajo	Subsurface	FIMO	Ashley, Christina
Navajo	Subsurface	FIMO	Begay, Leona
Navajo	Subsurface	FIMO	Pixley, Thomas L.
Navajo	Subsurface	BLM	Drywater, Mary Lou - Field Station Manager
Navajo	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Navajo	Subsurface	FIMO	Henry, Jeffrey
Navajo	Subsurface	FIMO	Joe, Maureen
Navajo	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Navajo	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor
Navajo	Surface - Ag Leasing		Billy, Bahe - Soil Con
Navajo	Surface - Ag Leasing	BIA-BNR	Chee, Emery - Natural Resource Mgr.
Navajo	Surface - Ag Leasing		Willie, Jerome - Realty Specialist
Navajo	Surface - Ag Leasing	BIA	Thomas, Jerry W.
Navajo	Surface - Ag Leasing		Francisco, Casey - Range Tech.
Navajo	Surface - Ag Leasing		Haver, Sherri - Range Spec.
Navajo	Surface - Ag Leasing	As-Is Business Model EDS Support	Dougherty, Bob
Navajo	Surface - Ag Leasing	BIA/BNR	Begay, Ben - Range Tech.
Navajo	Surface - Ag Leasing	BIA	Yazzie, Olsen - Civil Eng. Tech.



Location	Process	Agency	Participant Name
Navajo	Surface - Ag Leasing	BIA	Becenti, Leonard - Realty Specialist
Navajo	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Navajo	Surface - Forestry	BIA/OITT	Fielitz, Rick - Process Sponsor
Navajo	Surface - Forestry		Martinez, Darryl - Environ, Compliance Forester
Navajo	Surface - Forestry		Martin, Jon - Regional Forester
Navajo	Surface - Forestry	NRO, BIA, ES	Tsosie, Loretta
Navajo	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Navajo	Surface - Water	BIA/OITT	Fielitz, Rick - Process Sponsor
Navajo	Surface - Water	BIA	Farris, Jane - Supervisory Hydrologist
Navajo	Surface - Range	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Navajo	Surface - Range	BIA/OITT	Abe, George - Process Sponsor
Navajo	Surface - Range	BIA-BNR	Chee, Emery - Natural Resource Mgr.
Navajo	Surface - Range	BIA	Thomas, Jerry W.
Navajo	Surface - Range		Francisco, Casey - Range Tech.
Navajo	Surface - Range		Gore, Gilbert - Range Tech.
Navajo	Surface - Range	BIA-NPL	Jones, Herbert - Range Specialist
Navajo	Surface - Range	BIA-BNR	Delmar, Effie - Natural Resource Manager
Navajo	Surface - Range	BIA-BNR	Begay, Ben - Range Tech.
Navajo	Surface - Range	BIA/OITT	Bearskin, Barbara
Navajo	Surface - Range	Tribal Task Force	Bear, Myrna - Tribal Task Force
Navajo	Surface - Range	NRO, BIA, ES	Tsosie, Loretta
Navajo	Surface - Range	Department of Agriculture	Willeto, Judy R.
Navajo	Surface - Range		Yazzie, Olsen - Civil Eng. Tech.
Navajo	Surface - Range		Willie, Jerome - Realty Specialist
Navajo	Surface - Range		Roanhorse, Nelson
Navajo	Surface - Range	BIA/WNA/BNR	Robbins, Tony - Natural Resource Specialist
Navajo	Surface - Range		Haver, Sherri - Range Spec.
Navajo	Surface - Range	BIA	Roan, Charlotte - Range Technician



Location	Process	Agency	Participant Name
Navajo	Surface - Range	DWR	Tariq, Najam H. - Director
Navajo	Surface - Range	BIA/Ft. Defiance	Larsen, Herbert - Range Tech.
Navajo	Surface - Range	BIA	Russell, Harold D. - Natural Resource Spec.
Navajo	Surface - Range	BIA	Raymond, Tracy
Navajo	Surface - Range	BIA	Harrison, Roxanne
Navajo	Surface - Range		Billy, Bahe - Soil Con
Navajo	Surface - Range	BIA	Naminsha, T.J.
Navajo	Surface - Long-Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Navajo	Surface - Long-Term	BIA/OITT	Fielitz, Rick - Process Sponsor
Navajo	Surface - Long-Term		Chavez, Geneva - Realty Specialist
Navajo	Surface - Long-Term		Winnoy, Selena - Realty Clerk
Navajo	Surface - Long-Term	NRO/BIA	Yazzie, Lena M.
Navajo	Surface - Long-Term		Francisco, Thelma - Realty Specialist
Navajo	Surface - Long-Term	BIA	Naminsha, T.J.
Navajo	Surface - Long-Term	NLD	Dehiya, Al - Director
Navajo	Surface - Long-Term		Becenti, Leonard - Realty Specialist
Navajo	Surface - Long-Term	BIA	DeGroat, Jerry - Realty Officer
Navajo	Surface - Long-Term	BIA	Underwood, Dale V. - Staff Accountant
Navajo	Surface - Long-Term	NRO/BIA	Becenti, Fern
Navajo	Surface - Long-Term	BIA	Lujan, Mary - Real Estate Sup.
Navajo	Surface - Long-Term		Hubbard, Arthur
Navajo	Surface - Long-Term		Lujan, Eileen - Realty Specialist
Navajo	Surface - Long-Term		Perry, Felicita - Realty Clerk
Navajo	Surface - Long-Term	Navajo Land Dept.	Draper, Howard Phillip - AS01
Navajo	Surface - Long-Term	Window Rock Agency	Kee, Raymond - Title Supervisor
Navajo	Surface - Long-Term	NRO	Graham, Steve - Regional Realty Officer
Navajo	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Navajo	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator



Location	Process	Agency	Participant Name
Navajo	Title		Corly, Mary E. - Realty Specialist
Navajo	Title	NR-RES	Curley, Elsa J.
Navajo	Title	BIA	Badoni, Donald
Navajo	Title	BIA	Thomas, Roselita Realty Assistant
Navajo	Title		Anderson, Ruby - Office Automation Clerk
Navajo	Title		Chee, Alanina
Navajo	Title	BIA/RES	Walker, Martina - Realty Clerk
Navajo	Title	NRO,BIA,RES	Wauneba, Beverly - Realty Specialist
Navajo	Title		Wauneka, Oma M. - Realty Specialist
Navajo	Title	BIA/RES	Watchman, Priscilla - Realty Specialist
Navajo	Title	Window Rock Agency	Kee, Raymond - Title Supervisor
Navajo	Title	Navajo Land Department	Pine, Raymond
Navajo	Title	Navajo Land Department	Tsosie, Saraphina - Admin. Asst.
Navajo	Title	Tribal Task Force	Kinlichee, Philip
Navajo	Title		Yazzie, Olsen - Civil Eng. Tech.
Navajo	Title		Frazier, Bill
Navajo	Title		Becenti, Leonard - Realty Specialist
Navajo	Title	OST/OAS, Navajo Region	Lewis, Deborah
Navajo	Title	Navajo Nation	Thompson, Fred
Navajo	Title	BIA	Morrison, Gary
Navajo	Title	NRO	Graham, Steve - Regional Realty Officer
Navajo	Title	BIA	Perry, Felicita - Realty Clerk
Navajo	Title	BIA, Chinle Realty	Jim, Dellia
Navajo	Title		Bailley, Arlene - Realty Specialist
Navajo	Title	BIA	DeGroat, Jerry - Realty Officer
Navajo	Title		Maldonado, Ron
Navajo	Title	LTRO	Peigler, Donna - LTRO Manager
Navajo	Title	LTRO	Calabaza, Florence - Realty Specialist



Location	Process	Agency	Participant Name
Navajo	Title	Tribal Task Force	Overberg, Karole - Tribal Task Force
Navajo	Title	BIA/ERO Nashville Realty	Langan, Suzanne - Realty Specialist
Southwest	Accounting	As-Is Business Model EDS Support	McInturf, Judy- Facilitator
Southwest	Accounting	OST/OITT	Gohard, Sim Wing - Process Sponsor
Southwest	Accounting	BIA	Julian, Veronica - Secretary
Southwest	Accounting	OST, OTFM, SWRO	Rogers, Jeremy - Supervisory Accountant
Southwest	Accounting	OTFM/IIM	Esplain, Marilyn - Accounting Tech.
Southwest	Accounting	Tribal Task Force	Kinlichee, Philip – Tribal Task Force
Southwest	Accounting	MMS	Martinez, Katherine - Accounting Services Manager
Southwest	Accounting	LTRO	Calabaza, Florence - Realty Specialist
Southwest	Accounting	BIA/LTRO	Lorenzo, Irene - Legal Instruments Examiner
Southwest	Accounting	OST/OTFM	Wabnum, Freda
Southwest	Accounting	BIA, SWRO	Drew, Iris
Southwest	Accounting	OTFM/IIM Section	Scott, Ruth - Accounting Tech.
Southwest	Accounting	BIA/Southern Ute	Olguin, Diana "Dee" - Realty Officer
Southwest	Accounting	BIA/SWRO	Duran, Duri Allen - Regional Probate Specialist
Southwest	Accounting	Zuni Tribe	Simplicio, Dancy - Realty Director
Southwest	Appraisal	OST/OAS, Navajo Region	Lewis, Deborah
Southwest	Appraisal	Tribal Task Force	Belcourt, Lena - Tribal Task Force Rep.
Southwest	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia- Facilitator
Southwest	Appraisal	Tribal Task Force	Bear, Myrna - Tribal Task Force
Southwest	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Southwest	Beneficiary Services	As-Is Business Model EDS Support	Wright, George- Facilitator
Southwest	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor



Location	Process	Agency	Participant Name
Southwest	Beneficiary Services	BIA, SWRO	Drew, Iris
Southwest	Beneficiary Services	OST, OTFM, SWRO	Scott, Ruth - Accounting Tech.
Southwest	Beneficiary Services	OST, OTFM, SWRO	Rogers, Jeremy - Supervisory Accountant
Southwest	Beneficiary Services	OST,OTFM,SWRO	Esplain, Marilyn - Accounting Tech.
Southwest	Beneficiary Services	Tribal Task Force	Overberg, Karole - Tribal Task Force
Southwest	Beneficiary Services	Tribal Task Force	Kinlichee, Philip – Tribal Task Force
Southwest	Beneficiary Services	Zuni Tribe/Real Estate Services	Simplicio, Darcy
Southwest	Beneficiary Services	BIA/NPA	Tafoya, Darrell - Realty Officer
Southwest	Beneficiary Services	OST/OTFM	Wabnum, Freda
Southwest	Beneficiary Services	BIA-Southern Pueblos	Vallie, James
Southwest	Beneficiary Services	BIA, SWRO/Social Services	Pird, Shirley E.
Southwest	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Southwest	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Southwest	Cadastral Survey Services	So. Ute Tribe	Frost, Andrew
Southwest	Cadastral Survey Services	BLM	Wilson, Darryl A.
Southwest	Cadastral Survey Services	BLM	Beyerlein, Stephen
Southwest	Cadastral Survey Services	BLM	Burkhardt, Scott
Southwest	Cadastral Survey Services	BIA, SWRO	Sando, T. Parker
Southwest	Cadastral Survey Services	BIA, SWRO	Johnston, Richard
Southwest	Cadastral Survey Services	BLM	Innes, Jay M.
Southwest	Cadastral Survey Services	BLM - CSO	Kohlenschmidt, Glenn
Southwest	Probate	BIA/OITT	Maddox, Greg - Probate Sponsor
Southwest	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Southwest	Probate	OTFM - Osage	Ledbetter, Joy A. - Lead Acct. Technician



Location	Process	Agency	Participant Name
Southwest	Probate	BIA Chickasaw Agency	Wilson, Josephine - Realty Clerk
Southwest	Probate	OTFM - EORO Muskogee	Terrell, Rhonda L. - Financial Trust Operations Specialist
Southwest	Probate	Wewoka Agency	Hayo, Nanette - Realty Assistant
Southwest	Probate	Sac & Fox Nation	Rolette, Sandra - A & D Specialist
Southwest	Probate	OTFM Shawnee	Rogers, Gary - Division Chief
Southwest	Probate	OHA-OKC	Reeh, Richard - ALJ
Southwest	Probate	United Keetoowah	Proctor, Dallas - Chief Untied Keetoowah Band
Southwest	Probate	United Keetoowah	Simon, Verna - Ex. ADM Ass'T To the Chief
Southwest	Probate	Ho- Chunk Nation	Adair, JC - Public Relations
Southwest	Probate	Iowa Tribe of OK	LeFlore, Bryan - Realty Mgr.
Southwest	Probate	BIA South Plains	Bruner, Terry - Tribal Gov.
Southwest	Probate	Osage Agency	Holloway, Leslie - Realty Asst.
Southwest	Probate	BIA Osage Agency	Stover, Denise - Realty Asst.
Southwest	Probate	BIA Osage Agency	Currey, Melissa - Supr. Realty Specialist
Southwest	Probate	Choctaw Nation	Gabbart, Brenda - Realty Tech
Southwest	Probate	BIA Osage Agency	Fields, Jim - Superintendent
Southwest	Probate	BIA Muskogee	Springwater, Dennis L. - Deputy RD
Southwest	Probate	Muscogee Creek Nation	Tyler, Nelda - Appraiser
Southwest	Probate		Woodcock, Alan - Attorney
Southwest	Probate	Tribal Task Force	Overberg, Karole - Tribal Task Force
Southwest	Probate	BIA EORO	Hall, Pat - Realty Specialist
Southwest	Probate	OTFM	Horse, Sophia - Financial Trust Ops Specialist
Southwest	Probate	OTFM	Beaver, Penny - Acct. Tech
Southwest	Probate	Choctaw Nation	Gabbart, Brenda - Realty Tech
Southwest	Probate	BIA	Mings, Larry - Field Representative
Southwest	Probate	BIA Chicksaw Agency	Glory, Traile G. - Chickasaw Superintendent
Southwest	Probate	BIA	Waters, Floyd - Realty Specialist
Southwest	Probate	Creek Nation	Martin, Sabrina - Realty Clerk



Location	Process	Agency	Participant Name
Southwest	Probate	BIA/LTRO	DeCora, Teresa - Legal Instructor Assistant
Southwest	Probate	BIA/LTRO	Sandoval, Jonina - Legal Instructor Examiner
Southwest	Probate	BIA/LTRO	Masayesva, Carrie - Legal Instructor, Examiner
Southwest	Probate	BIA/LTRO	Lorenzo, Irene - Legal Instruments Examiner
Southwest	Probate	BIA/LTRO	Abeita, Victoria - Probate Assistant
Southwest	Probate	BIA/SWRO	Duran, Duri Allen - Regional Probate Specialist
Southwest	Probate	BIA/Laguna Agency	Robinson, T.J. - Realty Specialist
Southwest	Probate	OTFM/IIM Section	Scott, Ruth - Accounting Tech.
Southwest	Probate	BIA/SWRO	Maytubby, Lee - Regional Realty Officer
Southwest	Probate	OTFM/IIM	Esplain, Marilyn - Accounting Tech.
Southwest	Probate	OST, OTFM, SWRO	Rogers, Jeremy - Supervisory Accountant
Southwest	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Southwest	Subsurface	Tribal Expert	Wilson, Richard (Dick) - Tribal Expert
Southwest	Subsurface	BLM	Stephens, Gary
Southwest	Subsurface	BLM	Pecor, John
Southwest	Subsurface	BLM	Johnson, Helen Mary
Southwest	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Southwest	Subsurface	BIA-SWRO	Young, Ken
Southwest	Subsurface	BLM	Davis, Brian W.
Southwest	Subsurface	BLM	Hester, Pat
Southwest	Subsurface	BLM	Gray-Lope, Marie
Southwest	Subsurface	BLM	Richardson, Ruth
Southwest	Subsurface	BLM	Sitzler, David
Southwest	Subsurface	BIA	Olguin, Diana "Dee" - Realty Officer
Southwest	Subsurface	BIA	Maytubby, Lee - Regional Realty Officer
Southwest	Subsurface	BLM	Hewitt, Joe
Southwest	Subsurface	BLM	Townsend, Wayne



Location	Process	Agency	Participant Name
Southwest	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Southwest	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor
Southwest	Surface - Ag Leasing	NRD	Frost, Byron - Lands Division Head
Southwest	Surface - Ag Leasing	BIA	Arch, Theresa - Realty Specialist
Southwest	Surface - Ag Leasing	BIA/SWRO	Duran, Duri Allen - Regional Probate Specialist
Southwest	Surface - Ag Leasing	BIA	Lucero, Ed - Regional Range Specialist
Southwest	Surface - Ag Leasing	Tribal Task Force	Bear, Myrna - Tribal Task Force
Southwest	Surface - Ag Leasing	Tribal Task Force	Belcourt, Lena - Tribal Task Force Rep.
Southwest	Surface - Ag Leasing	BIA/SWRO	Maytubby, Lee - Regional Realty Officer
Southwest	Surface - Ag Leasing	SWRO	Sando, T. Parker - Realty Specialist
Southwest	Surface - Range	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Southwest	Surface - Range	EDS	Rugel, Mike
Southwest	Surface - Range	BIA/SWRO	Duran, Duri Allen - Regional Probate Specialist
Southwest	Surface - Range	BIA - Mescalero Agency	Mendez, Greg - Rangeland Mgmt.
Southwest	Surface - Range	BIA - Zuni Agency	Livingston, Larry - Rangeland Mgmt. Specialist
Southwest	Surface - Range	BIA - Laguna	Sims, William - Natural Resource Mgr.
Southwest	Surface - Range	BIA - Ute Mtn. Agency	Schlaflly, Paul - Natural Resource Mgr.
Southwest	Surface - Range	BIA - Southern Pueblos Agency	Abeita, Lawrence - Wildlife Biologist
Southwest	Surface - Range	Tribal Task Force	Bear, Myrna - Tribal Task Force
Southwest	Surface - Range	BIA - So. Pueblos Agency	Louis, Wilbur R. Jr. - Rangeland Mgt. Specialist
Southwest	Surface - Range	BIA - SPA	Sandoval, Clyde - Rangeland Mgt. Specialist
Southwest	Surface - Range	BIA	Lucero, Ed - Regional Range Specialist
Southwest	Surface - Range	BIA/OITT	Abe, George - Process Sponsor
Southwest	Surface - Range	BIA - Jicarilla Agency	Treadway, Doug - Natural Resource Mgr.
Southwest	Surface - Range	Tribal Task Force	Belcourt, Lena - Tribal Task Force Rep.



Location	Process	Agency	Participant Name
Southwest	Surface - Long-Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Southwest	Surface - Long-Term	BIA	Fielitz, Rick – Process Sponsor
Southwest	Surface - Long-Term	NRD	Frost, Byron - Lands Division Head
Southwest	Surface - Long-Term	Pueblos Agency	Martinez, Dennis - Realty Specialist
Southwest	Surface - Long-Term	BIA/Laguna Agency	Robinson, T.J. - Realty Specialist
Southwest	Surface - Long-Term	Southern Pueblos Agency	Waquire, Erma M. - Realty Specialist
Southwest	Surface - Long-Term	SPA	Hunt, Elaine - Shanshu Realty Specialist
Southwest	Surface - Long-Term	Zuni Tribe	Simylicio, Dancy - Realty Director
Southwest	Surface - Long-Term	NPA	Tafoya, Darrell - Realty Officer
Southwest	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Southwest	Surface - Forestry	BIA	Fielitz, Rick – Process Sponsor
Southwest	Surface - Forestry	BIA	Waconde, John - Regional Forester
Southwest	Surface - Water	BIA	Banet, Christopher - Soil Scientist
Southwest	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Southwest	Title	SPA	Stafne, Grant - Realty Officer
Southwest	Title	NRD	Frost, Byron - Lands Division Head
Southwest	Title	LTRO	Peigler, Donna - LTRO Manager
Southwest	Title	LTRO	Driftwood, Karen - Realty Specialist
Southwest	Title	Southern Pueblos Agency	Waquire, Erma M. - Realty Specialist
Southwest	Title	BIA/Laguna Agency	Robinson, T.J. - Realty Specialist
Southwest	Title	LTRO	Tafoy, Evelyn D. - Realty Specialist
Southwest	Title	DataCom Sciences	Archuletta, Abel
Southwest	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Southwest	Title	BLM	Espinosa, Jeanette - Realty Specialist
Southwest	Title	BIA/SWRO	Maytubby, Lee - Regional Realty Officer
Southwest	Title	SWRO	Sando, T. Parker - Realty Specialist
Southwest	Title	NPA	Tafoya, Darrell - Realty Officer



Location	Process	Agency	Participant Name
Western	Accounting	As-Is Business Model EDS Support	McInturf, Judy- Facilitator
Western	Accounting	OST/OITT	Gohard, Sim-Wing - Process Sponsor
Western	Accounting	Fort Yuma Agency	Harjo, Karen - Indian Self-Deter. Spec.
Western	Accounting	BIA-WRO	Griffin, Carey
Western	Accounting	SHO-PAI Tribes	Paradise, Alicia - Fiscal Reporting Officer
Western	Accounting	SHO-PAI Tribes	Littlechief, Kristie - Data Clerk
Western	Accounting	OTFM	Talayumptewa, Ann
Western	Accounting	OTFM-Papago Agency	Hendricks, Sandy
Western	Accounting	OTFM	Talahaftewa, Diane
Western	Accounting	Salt River Pima	Buck, Kevin - Accounting Manager
Western	Accounting	OTFM	Zegoem, Connie
Western	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia- Facilitator
Western	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Western	Appraisal	WRO	Bowker, Carolyn - Regional Appraiser
Western	Appraisal	Office of Appraisal	Despres, Brendon
Western	Appraisal	Office of Appraisal	Geyer, Alain
Western	Appraisal	WRO/BIA	Webb, Stan - Realty Officer
Western	Appraisal	U&O Agency	Blackhair, Johnna - Realty Specialist
Western	Beneficiary Services	As-Is Business Model EDS Support	Wright, George- Facilitator
Western	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Western	Beneficiary Services	Pima Agency - BIA	Pecosa, Davis F.
Western	Beneficiary Services	Pima Agency - BIA	Molina, Julia A.
Western	Beneficiary Services	BIA-WRO	Griffin, Carey
Western	Beneficiary Services	BIA-UTO Agency	Mitchell, Diane
Western	Beneficiary Services	BIA U & O Agency	Black, Paula
Western	Beneficiary Services	BIA - Western Region	Titchywy, Ernie - Realty Specialist
Western	Beneficiary Services	Salt River Agency	Homer, Veronica L. -



Location	Process	Agency	Participant Name
			Superintendent
Western	Beneficiary Services	CRIT, Parker AZ	Hill-Poolaw, Daphne
Western	Beneficiary Services	OTFM	Talahaftewa, Diane
Western	Beneficiary Services	OTFM-Papago Agency	Hendricks, Sandy
Western	Beneficiary Services	OTFM	Talayumtewa, Ann
Western	Beneficiary Services	BIA - Colorado River Agency	Hallowell, Carmen
Western	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Western	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Western	Cadastral Survey Services	CRIT/WRO	Guma, Grant - Hydrologist Engineer
Western	Cadastral Survey Services	BLM	Fischer, Lester
Western	Cadastral Survey Services	BLM	Rarnikar, Kenny
Western	Cadastral Survey Services	BLM	Werdel, Jim
Western	Cadastral Survey Services	BLM	Webb, Daniel
Western	Cadastral Survey Services	BLM	Scruggs, Robert
Western	Cadastral Survey Services	BLM	Clark, Dave
Western	Cadastral Survey Services	BLM	Baugh, Ron
Western	Cadastral Survey Services	BIA/WRO/RPM	Cantou, Pierre M.
Western	Cadastral Survey Services		Barassi, Louis W. - Attorney
Western	Probate	BIA/OITT	Maddox, Greg - Process Sponsor
Western	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Western	Probate	South Paiute Field Office	Brewer, Pat
Western	Probate	Salt River Agency	Burshia, Ben
Western	Probate	BIA-WRO	Stepson, Marion
Western	Probate	BIA-WRO	Griffin, Carey
Western	Probate	BIA - Papago	Listo, Liz
Western	Probate	BIA - Western Region	Titchywy, Ernie - Realty Specialist



Location	Process	Agency	Participant Name
Western	Probate	OTFM-Papago Agency	Hendricks, Sandy
Western	Probate	OTFM	Talahaftewa, Diane
Western	Probate	OTFM	Talayumtewa, Ann
Western	Probate	BIA	Sumatzkuku, Wayne
Western	Probate	OHA	Pearlstein, Andrew
Western	Probate	Tribal Task Force	Bear, Myrna - Tribal Task Force
Western	Probate	OST/TS & P	Heymering, Rien
Western	Probate	OHA	Tahpie, George
Western	Probate	OHA	Daniel, Melanie
Western	Probate	Colorado River Agency	Fisher, Gladys
Western	Probate	BIA U & O Agency	Black, Paula
Western	Probate	Pima Agency - BIA	Jones, Robert H. - Tribal Realty Specialist
Western	Probate	OHA	Davidson, Mollie
Western	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Western	Subsurface	BIA-UTO Agency	Mitchell, Diane
Western	Subsurface	BIA-UTO Agency	Black, Paula
Western	Subsurface	U&O BIA	Cameron, Charles
Western	Subsurface	BLM	Walsh, Pat
Western	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Western	Subsurface	BLM	Drywater, Mary Lou - Field Station Manager
Western	Subsurface	BLM	Hom, Moon
Western	Subsurface	BLM	Silva, Geilo
Western	Subsurface	OSM	Rotledge, Peter
Western	Subsurface	BIA-WRO	Titchywy, Bill
Western	Subsurface		Barassi, Louis W. - Attorney
Western	Subsurface	CRIT/WRO	Guma, Grant - Hydrologist Engineer
Western	Subsurface	OSM/AFO	Orell, Rade H. - Reclamation Specialist
Western	Subsurface	MMS	Tarockmorton, Mike
Western	Surface - Range	As-Is Business Model EDS Support	Hill, Rich - Facilitator



Location	Process	Agency	Participant Name
Western	Surface - Range	OSM/AFO	Orell, Rade H. - Reclamation Specialist
Western	Surface - Range	BIA-WRO	O'Rourke, Chuck - Rangeland Mgt. Specialist
Western	Surface - Range	BIA-WRO	Davis, Tom - Rangeland Mgt. Specialist
Western	Surface - Range	BIA/OITT	Abe, George - Process Sponsor
Western	Surface - Ag Leasing	As-Is Business Model EDS Support	Rugel, Mike
Western	Surface - Ag Leasing	WRO/BIA	Webb, Stan - Realty Officer
Western	Surface - Ag Leasing	Salt River Field Office	Homer, Veronica L. - Superintendent
Western	Surface - Ag Leasing	Salt River Pima - Maricopa Molina Community	Moore, Jacob - Intergovernmental
Western	Surface - Ag Leasing	Colorado River Indian Tribes	Silva, Barbara - Land Use Specialist
Western	Surface - Ag Leasing	Colorado River Indian Tribes	Gonzales, Toni - Land Use Specialist
Western	Surface - Ag Leasing	BIA/Yuma Field Office	Aitkens, Gilreath - Realty Officer
Western	Surface - Ag Leasing	BIA - Ft. Yuma	Polk, Delores - Realty Specialist
Western	Surface - Ag Leasing	BIA - Western Region	Titchywy, Ernie - Realty Specialist
Western	Surface - Ag Leasing	BIA-WRO	Titchywy, Bill
Western	Surface - Ag Leasing	Pima Agency - BIA	Pecosa, Davis F.
Western	Surface - Ag Leasing	Pima Agency - BIA	Molina, Julia A.
Western	Surface - Ag Leasing	Pima Agency - BIA	Jones, Robert H. - Tribal Realty Specialist
Western	Surface - Ag Leasing	SRPMIC	Scabby, Robert L. - Self- Gov Coordinator
Western	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor
Western	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Western	Surface - Ag Leasing	CRIT/WRO	Guma, Grant - Hydrologist Engineer
Western	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Western	Surface - Forestry	BIA/OITT	Fielitz, Rick – Process Sponsor
Western	Surface - Forestry	BIA/FTA	Lacapa, Robert - Forest Mgr.
Western	Surface - Forestry	BIA/FTA	Butle, Ken - FMO
Western	Surface - Forestry	BIA/FTA	Lyle, Chris - Forest Development



Location	Process	Agency	Participant Name
Western	Surface - Forestry	BIA/Western R.O.	Bizal, Bob - Forester
Western	Surface - Forestry	BIA/FTA	Moreland, Dave - Forester TSA
Western	Surface - Forestry	WRO	Philbin, John - Regional Forester
Western	Surface - Forestry	SCAT	Wilcox, Craig - Forest Manager
Western	Surface - Forestry	BIA/WRO	Clayton, Lyman - Forester
Western	Surface - Forestry	Hualapai Tribe	Murphy, Charles - Tribal Forest Manager
Western	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Western	Surface - Water	BIA/OITT	Fielitz, Rick – Process Sponsor
Western	Surface - Water	CRIT/WRD	Buma, Grant - Hydrologist Engineer
Western	Surface - Water	BIA/WRO	Wilson, Cathy - Supervisor Water Rights Spec.
Western	Surface - Long-Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Western	Surface - Long-Term	BIA/OITT	Fielitz, Rick – Process Sponsor
Western	Surface - Long-Term	Colorado River Indian Tribes	Laffoon, T. J.
Western	Surface - Long-Term	Pima Agency - BIA	Jones, Robert H. - Tribal Realty Specialist
Western	Surface - Long-Term		Stevens, Stephanie - Residential Leasing Specialist
Western	Surface - Long-Term	Colorado River Ind. Tribes	Wellington, Christine - Land Use Specialist
Western	Surface - Long-Term	Chemehuevi Ind. Tribe	Smith-Bock, Shirley
Western	Surface - Long-Term	Hopi Agency	Honanie, Wendell
Western	Surface - Long-Term	BIA - Colorado River Agency	Eddy, Judy
Western	Surface - Long-Term	Salt River Agency	Burshia, Ben
Western	Surface - Long-Term	Salt River Field Office	Homer, Veronica L. - Superintendent
Western	Surface - Long-Term	BIA - Ft. Yuma	Polk, Delores - Realty Specialist
Western	Surface - Long-Term	BIA/Yuma Field Office	Aitkens, Gilreath - Realty Officer
Western	Surface - Long-Term	Salt River Agency	Gates, Florence - Realty Mgr.
Western	Surface - Long-Term	WRO/BIA	Webb, Stan - Realty Officer
Western	Surface - Long-Term	U&O BIA	Blackhair, Johnna - Realty Specialist
Western	Surface - Long-Term	SHO-PAI Tribes	Paradise, Alicia - Fiscal Reporting Officer



Location	Process	Agency	Participant Name
Western	Surface - Long-Term	SHO-PAI Tribes	Littlechief, Kristie - Data Clerk
Western	Surface - Long-Term	SRPMIC	Scabby, Robert L. - Self- Gov Coordinator
Western	Surface - Long-Term	Colorado River Indian Tribes	Laffoon, Lawanda
Western	Surface - Long-Term		Garrard, Bill - EDD Mgr.
Western	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Western	Title	Salt River Agency	Burshia, Ben
Western	Title	BLM	Walsh, Pat
Western	Title	BLM/OITT	Stephens, Sue
Western	Title	South Paiute Field Office	Brewer, Pat
Western	Title	Hopi Agency	Honanie, Wendell
Western	Title	BIA	Sumatzkuku, Wayne
Western	Title	U&O BIA	Cameron, Charles
Western	Title	BIA - Colorado River Agency	Eddy, Judy
Western	Title	BIA - Colorado River Agency	Hallowell, Carmen
Western	Title	BIA	Yellowhawk, Duane
Western	Title	BIA	Millsap, Curtis
Western	Title	Chemehuevi Ind. Tribe	Smith-Bock, Shirley
Western	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Western	Title	Reno Sparks Indian Colony	Irvine, Todd
Western	Title	U&O BIA	Blackhair, Johnna - Realty Specialist
Western	Title	BIA - Pima Agency	Johnson, Mike
Western	Title	BIA Colorado River Agency	Anspach, Allen
Western	Title	Colorado River Indian Tribes	Laffoon, Lawanda
Western	Title	Salt River Agency	Gates, Florence - Realty Mgr.
Pacific	Accounting	As-Is Business Model EDS Support	McInturf, Judy - Facilitator
Pacific	Accounting	OST/OITT	Gohard, Sim Wing - Process Sponsor



Location	Process	Agency	Participant Name
Pacific	Accounting	BIA-PSFO	Beyal, Ollie - Tribal Ups. Specialist
Pacific	Accounting	Hoopa Valley Tribe	Blake, Richard - Chief Judge
Pacific	Accounting	Hoopa Valley Tribe	Colegrove, Leslie - Social Worker
Pacific	Accounting	OTFM/SCA/PSFO	Malnourie, Hermione
Pacific	Accounting	OST/OTFM/PRO	Wuerth, Diana - Supervisory Trust Accountant
Pacific	Accounting	OTFM	Lincoln, Shirley
Pacific	Accounting	OTFM - NCA	Tiznado, Gloria
Pacific	Accounting	BIA Central CA	Garcia, Denise - Accounting Tech.
Pacific	Accounting	BIA/PRO	Pole, Helen - Probate Realty Specialist
Pacific	Accounting	Hoopa Valley Tribe	Higley, Angie - CFO
Pacific	Accounting	Hoopa Valley Tribe	Campbell, Leslie P. - Archives Records Manager
Pacific	Accounting	Hoopa Valley Tribe	Davis, Jerry - Deputy CFO
Pacific	Accounting	BIA/SCA	Walker, Lorraine - Ind. Self Determination
Pacific	Accounting		Burris, Chester - Regional Accounting Officer
Pacific	Accounting	BIA/NCA	Singleton, Jennifer
Pacific	Accounting	BIA/CCA	Brafford, Cynthia - Realty Specialist
Pacific	Accounting	Northern California Agency	Orozco, Yvonne - Probate Clerk
Pacific	Accounting	Palm Springs Field Office	Salgado, Claudia
Pacific	Accounting	BIA	Sanders, Kevin - Regional Social Worker
Pacific	Accounting	Northern California Agency	Sutherland, Maxine - Realty Specialist
Pacific	Appraisal	As-Is Business Model EDS Support	Slating, Cynthia - Facilitator
Pacific	Appraisal	BIA/OITT	Bearskin, Barbara - Process Sponsor
Pacific	Appraisal	Sacramento	Armstrong, Will - Regional Appraiser
Pacific	Appraisal	BIA	Facio, Carmen - Regional Realty Officer
Pacific	Appraisal	Palm Springs Field Office	Ray, Calvin
Pacific	Appraisal	BIA/CCA	Dominguez, Eddie J. - Trust Division Manager



Location	Process	Agency	Participant Name
Pacific	Appraisal	CCA	Brafford, James - Realty Officer
Pacific	Appraisal	Hoopa Valley Tribe	Marshall, Clifford Lyle - Chairman
Pacific	Appraisal	Hoopa Valley Tribe	Vigil-Master, Danielle - Administrative Assistant
Pacific	Appraisal	Tribal Task Force	Bear, Myrna - Tribal Task Force
Pacific	Beneficiary Services	As-Is Business Model EDS Support	Wright, George- Facilitator
Pacific	Beneficiary Services	OST	Marozas, Bryan – Process Sponsor
Pacific	Beneficiary Services	NCA/BIA	Akins, Virgil
Pacific	Beneficiary Services	BIA/PSRO	Beyal, Ollie - Tribal Ups. Specialist
Pacific	Beneficiary Services	BIA/PRO	Jaeger, Ron
Pacific	Beneficiary Services	BIA/PRO	Dutschke, Amy
Pacific	Beneficiary Services	Palm Springs Field Office	Ray, Belinda
Pacific	Beneficiary Services	SCA	Rydzik, John - Natural Resource Officer
Pacific	Beneficiary Services	BIA/SCA	Townsend, Virgil - Superintendent
Pacific	Beneficiary Services	Pacific Regional Office	Koehne, Gloria
Pacific	Beneficiary Services	CCA	Brafford, James - Realty Officer
Pacific	Beneficiary Services	BIA/CCA	Risling, Dale
Pacific	Beneficiary Services	BIA	Garcia, Douglas - Natural Resource Officer
Pacific	Beneficiary Services	BIA/CCA	Dominguez, Eddie J. - Trust Division Manager
Pacific	Beneficiary Services	OST/OTFM/PRO	Wuerth, Diana - Supervisory Trust Accountant
Pacific	Beneficiary Services	BIA/NCA	Saffall, Bill - Realty Specialist
Pacific	Beneficiary Services	BIA/PSFO	Beyal, Bruce - Realty Specialist
Pacific	Beneficiary Services	Hoopa Valley Tribe	Colegrove, Leslie - Social Worker
Pacific	Beneficiary Services	SCA	Henry, Bobbie Jo
Pacific	Beneficiary Services	CCA/BIA	Katenay, Lori L. - Realty Specialist
Pacific	Beneficiary Services	Pacific Regional Office	Koehne, Gloria
Pacific	Beneficiary Services	OTFM	Lincoln, Shirley
Pacific	Beneficiary Services	OTFM - NCA	Tiznado, Gloria
Pacific	Beneficiary Services	BIA/NCA	Singleton, Jennifer
Pacific	Beneficiary Services	Northern California	Sutherland, Maxine - Realty



Location	Process	Agency	Participant Name
		Agency	Specialist
Pacific	Beneficiary Services	OHA	Chavarria, Teresa - Paralegal Specialist
Pacific	Beneficiary Services	Palm Springs Field Office	Salgado, Claudia
Pacific	Beneficiary Services	OTFM/SCA/PSFO	Malnourie, Hermione
Pacific	Beneficiary Services	Northern California Agency	Orozco, Yvonne - Probate Clerk
Pacific	Cadastral Survey Services	BLM/OITT	Bennett, John - Process Sponsor
Pacific	Cadastral Survey Services	As-Is Business Model EDS Support	Bauer, Debi - Facilitator
Pacific	Cadastral Survey Services	BLM	McCavitt, Jim
Pacific	Cadastral Survey Services	BIA	Facio, Carmen - Regional Realty Officer
Pacific	Cadastral Survey Services	Palm Springs Field Office	Ray, Calvin
Pacific	Cadastral Survey Services	BIA/NCA	Saffall, Bill - Realty Specialist
Pacific	Probate	BIA/OITT	Maddox, Greg - Probate Sponsor
Pacific	Probate	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Pacific	Probate	Hoopa Valley Tribe	Campbell, Leslie P. - Archives Records Manager
Pacific	Probate	Hoopa Valley Tribe	Colegrove, Leslie - Social Worker
Pacific	Probate	Hoopa Valley Tribe	Drake, Adrienne - Program Director
Pacific	Probate	Hoopa Valley Tribe	Baldy, Debbie - Realty
Pacific	Probate	BIA-PSFO	Beyal, Ollie - Tribal Ups. Specialist
Pacific	Probate	Northern California Agency	Orozco, Yvonne - Probate Clerk
Pacific	Probate	OTFM - NCA	Tiznado, Gloria
Pacific	Probate	OTFM	Lincoln, Shirley
Pacific	Probate	BIA Central CA	Garcia, Denise - Accounting Tech.
Pacific	Probate	BIA/CCA	Brafford, Cynthia - Realty Specialist
Pacific	Probate	Central CA Agency	Eames, Patricia - Probate Clerk
Pacific	Probate	Central CA Agency	Doyle, Elaina - Lead Realty Specialist
Pacific	Probate	BIA/PRO	Pole, Helen - Probate Realty Specialist



Location	Process	Agency	Participant Name
Pacific	Probate	BIA/CCA	Risling, Dale
Pacific	Probate	BIA/CCA	Dominguez, Eddie J. - Trust Division Manager
Pacific	Probate	BIA/PSFO	Lussier, Norma - Realty Specialist
Pacific	Probate	LTRO - PRO	Mitchell, Libby - Manager LTRO
Pacific	Probate	BIA/LTRO	Ashley, Michael - Conveyances Examiner
Pacific	Probate	SCA	Willis, Martha - Realty Specialist
Pacific	Probate	SCA	Caigoy, Linda
Pacific	Probate	SCA	Lone Wolf, Teresa - Realty Specialist
Pacific	Probate	BIA/PSFO	Wolfin, Arvada - Realty Clerk
Pacific	Probate	BIA/SCA	Walker, Lorraine - Ind. Self Determination
Pacific	Probate	BIA/SCA	Townsend, Virgil - Superintendent
Pacific	Probate	Hoopa Valley Tribe	Blake, Richard - Chief Judge
Pacific	Probate	BIA	Blevins, Larry - EPS
Pacific	Probate	Hoopa Valley Tribe	Davis, Jerry - Deputy CFO
Pacific	Probate	OHA	Hammett, William E. - Administrative Law Judge
Pacific	Probate	OHA	Chavarria, Teresa - Paralegal Specialist
Pacific	Subsurface	As-Is Business Model EDS Support	Meermans, Russ - Facilitator
Pacific	Subsurface	BLM/OITT	Stephens, Sue - Process Sponsor
Pacific	Subsurface	BLM	Tamordong, Modesto
Pacific	Subsurface	BIA	Gundry, Richard R. - Hydrologist/Water Rights
Pacific	Subsurface	BIA	Reeves, Christopher - Regional Geohydrologist
Pacific	Subsurface	BIA	Morris, Dale
Pacific	Subsurface	BIA	Garcia, Douglas - Natural Resource Officer
Pacific	Subsurface	BLM	Drywater, Mary Lou - Field Station Manager
Pacific	Subsurface	Tribal Task Force	Overberg, Karole - Tribal Task Force
Pacific	Subsurface	SCA	Rydzik, John - Natural Resource Officer



Location	Process	Agency	Participant Name
Pacific	Subsurface	SCA	Koela, JoAnn C. - Realty Specialist
Pacific	Surface - Ag Leasing	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Pacific	Surface - Ag Leasing	BIA/PSFO	Wolfin, Arvada - Realty Clerk
Pacific	Surface - Ag Leasing	BIA/NCA	McCovey, Lisa - Probate Specialist
Pacific	Surface - Ag Leasing	BIA/NCA	Hector, Julie - Realty Specialist
Pacific	Surface - Ag Leasing	BIA/CCA	Souther, Katherine - Realty Specialist
Pacific	Surface - Ag Leasing	BIA/PSFO	Beyal, Bruce - Realty Specialist
Pacific	Surface - Ag Leasing	BIA/SCA	Koda, JoAnn C. - Realty Specialist
Pacific	Surface - Ag Leasing	BIA/OITT	Abe, George - Process Sponsor
Pacific	Surface - Ag Leasing	BIA-LTRO	Pedraza, Wanda - Conveyances Examiner
Pacific	Surface - Ag Leasing	BIA/NCA	Saffall, Bill - Realty Specialist
Pacific	Surface - Ag Leasing	Hoopa Valley Tribe	Jordan, Danny
Pacific	Surface - Ag Leasing	BIA/CCA	Dominguez, Eddie J. - Trust Division Manager
Pacific	Surface - Ag Leasing	Hoopa Valley Tribe	Jackson, Leroy - Hoopa Valley Council
Pacific	Surface - Ag Leasing	CCA	Brafford, James - Realty Officer
Pacific	Surface - Ag Leasing	Hoopa Valley Tribe	Vigil-Master, Danielle - Administrative Assistant
Pacific	Surface - Ag Leasing	Hoopa Valley Tribe	Ferris, Barbara A. - Gen. Mgr.
Pacific	Surface - Range	As-Is Business Model EDS Support	Hill, Rich - Facilitator
Pacific	Surface - Range	As-Is Business Model EDS Support	Rugel, Mike
Pacific	Surface - Range	BIA/NCA	Nasser, Rebecca - Natural Resources Officer
Pacific	Surface - Range	SCA	Lacy, Arlene J.
Pacific	Surface - Range	SCA	Rydzik, John - Natural Resource Officer
Pacific	Surface - Range	Tribal Task Force	Overberg, Karole - Tribal Task Force
Pacific	Surface - Range	BIA	Garcia, Douglas - Natural Resource Officer
Pacific	Surface - Range	Hoopa Valley Tribe	Ferris, Barbara A. - Gen. Mgr.
Pacific	Surface - Range	BIA/PRO	Britton, Travis - Range Specialist
Pacific	Surface - Range	BIA	Morris, Dale



Location	Process	Agency	Participant Name
Pacific	Surface - Range	Hoopa Valley Tribe	Jordan, Danny
Pacific	Surface - Range	BIA/OITT	Abe, George - Process Sponsor
Pacific	Surface - Range	SCA	Henry, Bobbie Jo
Pacific	Surface - Range		Schlesser, Tom - HUT Observer
Pacific	Surface - Range	Northern California Agency	Sutherland, Maxine - Realty Specialist
Pacific	Surface - Range	BIA/CCA	Risling, Dale
Pacific	Surface - Long-Term	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Pacific	Surface - Long-Term	BIA/OITT	Fielitz, Rick – Process Sponsor
Pacific	Surface - Long-Term	BIA	Ray, Belinda - Realty Officer
Pacific	Surface - Long-Term	Pacific Regional Office	Koehne, Gloria
Pacific	Surface - Long-Term	BIA/SCA	Koda, JoAnn C. - Realty Specialist
Pacific	Surface - Long-Term	OTFM/SCA/PSFO	Malnourie, Hermione
Pacific	Surface - Long-Term	Palm Springs Field Office	Ray, Calvin
Pacific	Surface - Long-Term	CCA/BIA	Katenay, Lori L. - Realty Specialist
Pacific	Surface - Long-Term	BIA/NCA	Lincoln, Terry - ISDO
Pacific	Surface - Long-Term	BIA/NCA	Saffall, Bill - Realty Specialist
Pacific	Surface - Long-Term	Palm Springs Field Office	Salgado, Claudia
Pacific	Surface - Long-Term	Northern California Agency	Sutherland, Maxine - Realty Specialist
Pacific	Surface - Long-Term	PSFO	Beyal, Bruce - Realty Specialist
Pacific	Surface - Long-Term	SCA	Henry, Bobbie Jo
Pacific	Surface - Long-Term	NCA/BIA	Akins, Virgil
Pacific	Surface - Long-Term	BIA/NCA	Necter, Julie - Realty Specialist
Pacific	Surface - Long-Term	OST/OTFM/PRO	Wuerth, Diana - Supervisory Trust Accountant
Pacific	Surface - Long-Term	CCA	Brafford, James - Realty Officer
Pacific	Surface - Long-Term	BIA	Facio, Carmen - Regional Realty Officer
Pacific	Surface - Long-Term	BIA-LTRO	Pedraza, Wanda - Conveyances Examiner
Pacific	Surface - Long-Term	BIA/CCA	Souther, Katherine - Realty Specialist
Pacific	Surface - Water	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator



Location	Process	Agency	Participant Name
Pacific	Surface - Water	BIA/OITT	Fielitz, Rick – Process Sponsor
Pacific	Surface - Water	BIA/NCA	Lincoln, Terry - ISDO
Pacific	Surface - Water	BIA/NCA	Wasson, Rebecca J. - NRO
Pacific	Surface - Water	BIA	Gundry, Richard R. - Hydrologist/Water Rights
Pacific	Surface - Water	BIA	Garcia, Douglas - Natural Resource Officer
Pacific	Surface - Water	Hoop Valley Tribe	Ferris, Barbara A. - Gen. Mgr.
Pacific	Surface - Water	Hoop Valley Tribe	Jarnaghan, Joseph - Hoopa Valley Tribe
Pacific	Surface - Water	Hoop Valley Tribe	Ornatt, Mike
Pacific	Surface - Water	BIA	Reeves, Christopher - Regional Geohydrologist
Pacific	Surface - Water	SCA	Rydzik, John - Natural Resource Officer
Pacific	Surface - Water		Lara, Walter Sr.
Pacific	Surface - Forestry	As-Is Business Model EDS Support	Soderstrom, Cheryl - Facilitator
Pacific	Surface - Forestry	BIA/OITT	Fielitz, Rick – Process Sponsor
Pacific	Surface - Forestry	BIA/NCA	Lincoln, Terry - ISDO
Pacific	Surface - Forestry	BIA/NCA	Wasson, Rebecca J. - NRO
Pacific	Surface - Forestry		Recker, Ron - Acting Regional Forester
Pacific	Surface - Forestry		Risling, Gary - Fire Mgmt. Officer
Pacific	Surface - Forestry		Niesen, Joe - Forest Planner
Pacific	Surface - Forestry		Colegrove, Nolan C. - Forest Manager
Pacific	Surface - Forestry		Jarnaghan, Daren - Timber Mgmt. Officer
Pacific	Surface - Forestry		Lara, Walter Sr.
Pacific	Surface - Forestry	Hoop Valley Tribe	Jackson, Leroy - Hoopa Valley Council
Pacific	Surface - Forestry	Hoop Valley Tribe	Marshall, Robert
Pacific	Surface - Forestry		Salberg, Todd
Pacific	Surface - Forestry		George, Merv Jr. - Executive Director
Pacific	Surface - Forestry	BIA/PRO	Britton, Travis - Range Specialist
Pacific	Surface - Forestry	BIA/PRO	Baskette, John



Location	Process	Agency	Participant Name
Pacific	Surface - Forestry	BIA/PRO	Dutschke, Amy
Pacific	Surface - Forestry	BIA/PRO	Jaeger, Ron
Pacific	Surface - Forestry	BIA/SCA	Townsend, Virgil - Superintendent
Pacific	Title	As-Is Business Model EDS Support	Grace, Roger - Facilitator
Pacific	Title	MN Agency (OITT Detail) Trust Sponsor	Smith, Joel - Process Sponsor
Pacific	Title	BIA	Blevins, Larry - EPS
Pacific	Title	BIA/PSFO	Lussier, Norma - Realty Specialist
Pacific	Title	Northern California Agency	Orozco, Yvonne - Probate Clerk
Pacific	Title		Bearquiver, Kevin - Realty Specialist
Pacific	Title	Soboba Land and Resource Dept.	Arres, Harold
Pacific	Title	Soboba Band of Luiseno Indians	Yearyean, Kim
Pacific	Title	Pacific Regional Office	Barrios, John - EPS
Pacific	Title	CCA/BIA	Katenay, Lori L. - Realty Specialist
Pacific	Title	SCA	Henry, Bobbie Jo
Pacific	Title	Northern California Agency	Sutherland, Maxine - Realty Specialist
Pacific	Title	Palm Springs Field Office	Salgado, Claudia
Pacific	Title	Central CA Agency	Doyle, Elaina - Lead Realty Specialist
Pacific	Title	Central CA Agency	Eames, Patricia - Probate Clerk
Pacific	Title	Hoopa Valley Tribe	Beudy, Debbie
Pacific	Title	Hoopa Valley Tribe	Drake, Adrienne - Program Director
Pacific	Title	Palm Springs Field Office	Ray, Belinda
Pacific	Title	Pacific Regional Office	Redthunder, Sharon A.
Pacific	Title	Pacific Regional Office	Koehne, Gloria
Pacific	Title	PRO	Gannon, Michael
Pacific	Title	PRO - LTRO	Hoffman, Sharon
Pacific	Title	PRO - LTRO	Vanderheide, Jason
Pacific	Title	LTRO - PRO	Mitchell, Libby - Manager LTRO
Pacific	Title	LTRO - PRO	Eder, Rayola



Location	Process	Agency	Participant Name
Pacific	Title	BIA/CCA	Risling, Dale
Pacific	Title	SCA	Rydzik, John - Natural Resource Officer
Pacific	Title	SCA	Haynes, Jim - Realty Officer
Pacific	Title	SCA	Lonewolf, Teresa - Realty Specialist
Pacific	Title	SCA	Caigoy, Linda
Pacific	Title	SCA	Lacy, Arlene J.
Pacific	Title	SCA	Willis, Martha - Realty Specialist
Pacific	Title	Hoopa Valley Tribe	Davis, Ollie Mae



Appendix C, Workshop and Tribal Task Force Participants

The following listing contains the names of the April, 2002 As-Is Trust Business Model Workshop held in Albuquerque, NM.

Name	Organization
Workshop Process Team	
Abe, George Surface	BIA Navajo Region
Artichoker, Freda Realty Specialist Title	BIA Southern Plains Region, Anadarko Agency
Atencio, Lena Beneficiary Services	BIA Southwest Region
Bancroft, Priscilla Survey	BIA Ute Mountain Ute Agency
Barnhart, Steve Probate	DOI/OST/OTRM
Bear, Myrna Surface	Tribal Task Force Expert/Tribal Representative
Bearskin, Barbara Appraisal – Process Sponsor	DOI/OST
Benjamin, Bill Accounting	BIA Rocky Mountain Region
Bennett, John Survey – Process Sponsor	DOI/BLM/NM State Office
Berrey, John Beneficiary Services	Tribal Task Force Expert/Tribal Representative
Bieniewicz, Don Appraisal	Office of Policy Management & Budget
Bobelu, Trudy Accounting	OST
Breece, Charles Probate	OHA, Principal Deputy Director
Dahl, Bob Survey	BLM
DeAsis, Tim Beneficiary Services	BIA Alaska Region
Degroat, Jerry Sub-surface	BIA Navajo Region, Eastern Navajo Agency
Drywater, Mary Lou Sub-surface	BLM



Name Workshop Process Team	Organization
Dunn, Florestine Realty Officer Title	BIA Great Plains Region
Fanta, John Surface	BIA Southern Plains Region
Fielitz, Rick Surface – Process Sponsor	BIA Pacific Region
Fierro, Art Title	DOI/OST/OTRM
Heymering, Rien Probate	OHA
Honanie, Wendell Appraisal	BIA Western Region
Jordan, Carol Appraisal	BIA Great Plains Region
Kinlichee, Philip Title	Tribal Task Force Expert/Tribal Representative
Maddox, Greg Probate – Process Sponsor	BIA Eastern Region
Marozas, Bryan Beneficiary Services – Process Sponsor	DOI/OST/Trust Systems & Projects
Martinez, Kathy Sub-surface	MMS
Moore, Kevin Survey	BIA Northwest Region, Umatilla Agency
Morris, Dale Surface	BIA Pacific Region
Moyers, Ken	OST
Murillo, Gracie Probate	BIA Pacific Region
Overberg, Karole Appraisal	Tribal Task Force Expert/Tribal Representative
Pogue, Brian Observers -	BIA Eastern Region
Sealy, Bobbie Surface	BIA Eastern Oklahoma Region
Singer, Michele Process Sponsor (floater)	Office of the Solicitor
Smith, Joel Superintendent	BIA Minnesota Agency



Name Workshop Process Team	Organization
Title – Process Sponsor	
Smith, Mike	OST/NAID
Steele, Sr, James Beneficiary Services	BIA Alaska Region
Stephens, Sue Subsurface – Process Sponsor	BLM
Titchywy, Bill Accounting	BIA Western Region
Tyler, Paul Subsurface	MMS
VanAlstine, Shirley Realty Officer Title	BIA Midwest Region
Waters, Floyd Subsurface	BIA Eastern Oklahoma Region
Welch, Barry Probate	BIA Western Region
Whistler, Alex Surface	BIA Northwest Region
White, Dean Accounting	BIA Eastern Region
White, John Accounting	BIA No. Cheyenne Agency
Wilson, Richard (Dick) Tribal Rep. Sub-surface	Tribal Task Force Expert/Tribal Representative



The following is the listing of members of the Tribal Task Force Steering and Oversight Committees.

Name Tribal Task Force Committee Members	Organization
Allen, Ron Steering Committee Tribal Task Force	Jamestown S'Klallam Tribe
Anoatubby, Gov. Bill Steering Committee Tribal Task Force	Chickasaw Nation
Arthur, George Steering Committee Tribal Task Force	Navajo Council Delegation
Berrey, John Oversight Committee Tribal Task Force	Tribal Task Force Expert/Tribal Representative
Cason, Jim Steering Committee DOI	Washington DC
Dossett, John Oversight Committee Tribal Task Force	National Congress of American Indians
Dougherty, Bob Oversight Committee EDS	EDS
Erwin, Donna Steering/Oversight Committee DOI	US Department of The Interior Office of the Special Trustee for American Indians
Garcia, Joe Steering Committee Tribal Task Force	San Juan Pueblo
Griles, Steve Steering Committee DOI	Washington DC
Harrison, David Oversight Committee Tribal Task Force	Inter-Tribal Monitoring Association
Jandreau, Mike Steering Committee Tribal Task Force	Lower Brule Sioux Tribal Council



Name Tribal Task Force Committee Members	Organization
Jordan, Danny Oversight Committee Tribal Task Force	Hoopa Valley
Jurrius, John Oversight Committee Tribal Task Force	The Jurrius Group
Keeswood, Ervin Steering Committee Tribal Task Force	Navajo Council Delegation
Lords, Jeff Steering/Oversight Committee DOI	US Department of The Interior Office of the Special Trustee for American Indians
Manuel, Ed Steering Committee Tribal Task Force	Tohono O'odham Nation
Martin, Tim Steering Committee Tribal Task Force	USET
McCaleb, Neil Steering Committee DOI	BIA, Washington DC
Monette, Richard Steering Committee Tribal Task Force	Turtle Mountain Band of Chippewa Indians
Morishima, Gary Oversight Committee Tribal Task Force	Intertribal Timber Council
Moyle, Alvin Steering Committee Tribal Task Force	Falton Paiute Shoshone
Pauli, Jim Steering Committee EDS	EDS
Seanez, Frank Oversight Committee Tribal Task Force	Navajo Nation Office of Legislative Council
Slonaker, Thomas Steering Committee DOI	OST Special Trustee for American Indians



Name Tribal Task Force Committee Members	Organization
Small, Gerri Steering Committee Tribal Task Force	Northern Cheyenne Tribal Council
Swimmer, Ross Steering/Oversight Committee DOI	Washington DC
Thomas, Ed Steering Committee Tribal Task Force	Central Council Of Tlingit Haida
Tillman, Charles Steering Committee Tribal Task Force	Osage Nation
Whiting-Sorrell, Anna Oversight Committee Tribal Task Force	Confederated Salish-Kootenai Tribe
Williams, Susan Oversight Committee Tribal Task Force	Williams and Works
Windy Boy, Alvin Sr. Oversight/Steering Committee Tribal Task Force	Chippewa Cree Business Council
Ziskie, Dave Steering Committee EDS	EDS



Appendix D, Office of Management and Budget Circular No. A-130

The following is a draft high-level analysis of OMB Circular A-130 to determine which, if any, tenets are relevant to the analysis criteria for the As-Is Business Model. Appendix I, Appendix II, Appendix III, and Appendix IV of the Circular provide additional detail for the implementation of A-130 and are not addressed separately in the following table.

Circular A-130 Tenet Category	Relevant Yes/No	Short Explanation
1. Information Management Policy	No	Information Management Policy is part of Universal Support, particularly Records Management. The Information Architecture and supporting information technology helps to enable the Policy.
2. Provide Information to the Public	Yes, partially	The regions and agencies are required to provide Trust asset information to both Indians (beneficiaries) and non-Indians. This requirement, particularly the beneficiary services will be addressed during the analysis phase. However, the Department's requirement to provide other "government" information to the public as a whole is not included. Making Trust information available electronically will be addressed to the extent that it is reasonable.
3. Manage Information Systems and Information Technology	No	Capital planning and investment control is part of Universal Support and should be addressed in a Strategic Information Technology Plan. OMB A-130 refers to this as an IT Capital Plan and an Information Resource Management Strategic Plan.
4. Enterprise Architecture	No	The enterprise architecture is part of Universal Support and should be addressed in a Strategic Architecture Plan. OMB A-130 refers to this as part of the Information Resource Management. Reference is also made to the Technical Reference Model and Standards Profile.
5. Security in Information Systems	No	Information systems' security is part of Universal Support and should be part of the Enterprise Architecture.
6. Acquire Information Technology	No	The acquisition of information technology should be part of the IT Capital Plan and Information Resource Management.



Appendix E, Business Modeling Tools

Document Overview

This document identifies the methods and tools that will be used by the As-Is Trust business modeling team to document the Department's current Trust business model.

The selected methods and tools were chosen based on the following criteria:

- Compliance with existing Government Accounting Office (GAO) standards;
- Support for process and inter-process modeling requirements; and
- The degree to which resulting deliverables can be leveraged by ongoing Departmental efforts.

Using these criteria, a number of methods and tools were evaluated. The relative merits of each selected component are identified in the following sections.

Business Modeling Methods

IDEF0

IDEF0, published 1993 by the National Institute of Standards and Technology (NIST), is the GAO standard for graphically depicting processes and functions.

The primary strength of IDEF0 is that the method has proven effective in detailing activities for function modeling, the original structured analysis communication goal for IDEF0. IDEF0 will be used to model the As Is Trust Business processes. Activities for the processes will be described by their inputs, outputs, controls, and mechanisms (ICOMs). Additionally, the description of the activities of a system can be refined into the descriptive detail required for the decision-making task at hand.¹ Figure 1 illustrates how the business processes will be presented using the IDEF0 methodology.

¹ See www.idef.com/idef0.html for a comprehensive discussion of IDEF0 strengths and weaknesses.

IDEF0's major constraint from a business modeling perspective lies in its inability to document the inter-relationships among processes, the contributions that processes make to overall performance, the organizations that participate in the process and the metrics used to monitor procedural efficacy. The solution to these constraints is addressed in the following paragraphs.

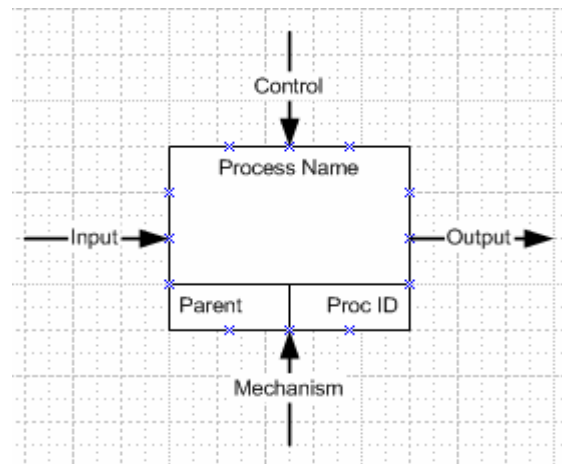


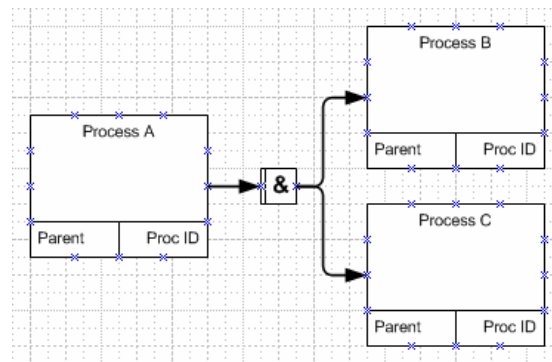
Figure 1. IDEF 0 Illustration

IDEF3

Also published by the NIST, IDEF3 captures precedence and causality relations between situations and events². While IDEF3 can be used to capture detailed characteristics of information systems that support business processes, IDEF3 will be used by the As Is Trust Business project to capture the precedence and causality relations between processes. The three causality indicators are:

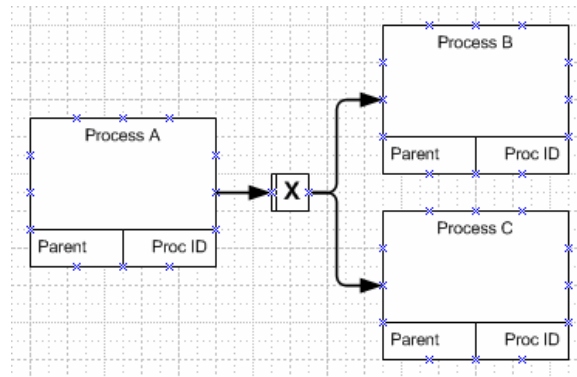
where:

- ' & ' = Process B AND Process C are BOTH executed whenever Process A is executed;

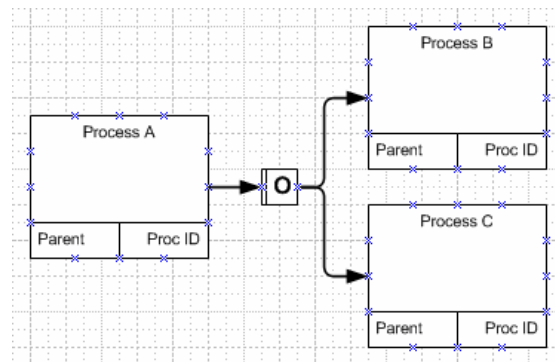


- 'X' = Process B OR Process C is executed whenever Process A is executed.

² See www.idef.com/idef3.html for an overview of IDEF3.



- ‘O’ = Process B OR Process C (or Process B AND Process C) is (are) executed whenever Process A is executed; and



Capturing these relationships, the business modeling team can evaluate the impact of existing or proposed changes to the Department’s Trust business model.

Like IDEF0, IDEF3’s major constraint lies in its inability to document organizational contributions, process drivers and the metrics that will be used to monitor the efficacy of Trust-related DOI operations. The resolution to these constraints is addressed in the following paragraphs.

EDS TUIT Methodology

TUIT (Target, Understand, Innovate and Transform) is EDS’ overarching Business Process Reengineering methodology. Leveraging TUIT’s initial phases (Target and Understand) will enable the business modeling team to identify and document in the Access database critical process characteristics not addressed by IDEF0 and IDEF3. These characteristics include:

- Process contributions to DOI objectives



- Drivers affecting process performance
- Organizational contributions
- Performance metrics and measurements
- Process obligations (as opposed to controls)
- Initiating events
- Underlying systems of record

TUIT does not dictate the means by which process characteristics and relationships will be documented. These conventions are addressed by IDEF0 and IDEF3 above.

Business Modeling Tools

The selected tools support the methods and standards described above and enable the business modeling team to capture and analyze the Department's Trust business processes. The tools also enable the team to justify business and process improvement recommendations.

In order to facilitate the ongoing use of the modeling tools, the team interviewed the leaders of key Trust Reform initiatives to identify suites of tools that are already in use. The final selections are identified below:

Microsoft Office (Standard)

Standard Microsoft (MS) Office products will be used to manage (MS Project), analyze (MS Excel) and document (MS Word, MS PowerPoint) project deliverables. These tools are found throughout the Department and no significant training will be required for their use.

Standard Microsoft Office products do not, however, directly support the business modeling methodologies described above. The following tools provide that support.

Microsoft Visio

While not distributed as part of a packaged Microsoft Office solution, MS Visio is a fully integrated member of the Microsoft Office family. MS Visio is currently used within the Department to model the relationship between Trust-related business processes and the information technology systems that support those processes.

MS Visio incorporates direct support for IDEF0 and has been extended to support those elements of the IDEF3 standard that are required to describe the inter-process relationships. Specific symbols will be devised to graphically capture the drivers, organizational contributions and metrics that can be used to monitor process efficacy. The EDS team will identify the symbols prior to the initial training efforts.



Appendix F, List of Obligations

The following is a listing of all the obligations (laws, regulations, Acts, etc.) (as defined in IDEF) identified by the As-Is Modeling Team during the course of the 12 Regional work session interviews.

Citation	Description	Processes Where Noted
5 USC 554 - 557	Administrative procedures for hearings	Probate
10 CFR	Nuclear Regulatory Commission (NRC)	Subsurface
12 USC 92 (a)	Trust authority. Ensures timely and accurate reconciliation	Accounting
15 CFR 938	Regulations pertaining to the Coastal Zone Management Act	Subsurface Water
16 USC 594	Authorizes the Secretary to protect timber on Indian Lands from fire, disease, or insects.	Forestry
18 USC 1853	Provides penalties for unlawfully cutting or wantonly injuring trees on Indian lands.	Forestry
18 USC 1855	Provides penalties for willfully setting fires without authority on Indian lands.	Forestry
23 CFR 710	BIA Roads Regulations	Title
25 CFR	Specific to Indian Affairs	Cadastral Survey
25 CFR 1.4	State and local regulation of the use of Indian property. Exempts Indian Trust property from State and local regulations unless the Secretary deems them beneficial.	Subsurface
25 CFR 2	Appeals from Administrative Actions.	Beneficiary Services Subsurface Title
25 CFR 15	Outlines responsibilities to probate Trust estates. Provides Superintendent with authority to disburse emergency funds required to address funeral needs and to maintain the estate.	Accounting Probate Title
25 CFR 15.106	Authorizes Line Officials to use IIM funds to pay emergency	Probate



Citation	Description	Processes Where Noted
	funeral expenses.	
25 CFR 20	Social Services Assessment. Establish supervised accounts	Accounting
25 CFR 101	Loans to Indians from Revolving Loan Fund	Accounting
25 CFR 103	Assignment of income if someone defaults on a Federal Loan. Results in a restricted account being set up to repay the loan if Trust funds were pledged as security	Accounting
25 CFR 115	Trust Funds for Tribes and Individual Indians. This part sets forth guidelines for the Secretary of the Interior, including any tribe or tribal organization if that entity is administering specific programs, functions, services or activities, previously administered by the Secretary of the Interior, but now authorized under a Self- Determination Act contract (pursuant to 25 U.S.C. 450f) or a Self-Governance compact (pursuant to 25 U.S.C. 558cc), to carry out the trust duties owed to tribes and individual Indians to manage and administer trust assets for the exclusive benefit of tribal or individual Indian beneficiaries pursuant to federal law, including the American Indian Trust Fund Management Reform Act of 1994, Public Law 103-412, 108 Stat. 4239, 25 U.S.C. 4001 (Trust Reform Act).	Accounting Long-Term Leasing Subsurface
25 CFR 115.103	Receipts from other Government agencies; Allows money received from other agencies to be accepted for disabled Indians	Agricultural Leasing
25 CFR 115.701 & 702	Trust Accounts Subpart F – Types of trust accounts and sources of money	Long-Term Leasing
25 CFR 115.805	Direct payments received will not be received or maintained by the	Long-Term Leasing



Citation	Description	Processes Where Noted
	Department's funds management system.	
25 CFR 141.51	Authority to close unlicensed reservation businesses	Long-Term Leasing
25 CFR 141.52	Revocation of license and lease and recover on bond.	Long-Term Leasing
25 CFR 141.53	Cease and desist orders.	Long-Term Leasing
25 CFR 141.56	Show cause procedures	Long-Term Leasing
25 CFR 150	Land Records and Title Documents. These regulations set forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.	Subsurface Title
25 CFR 150.10	Federal Regulation identifying LTRO Manager as certifying officer for land titles.	Title
25 CFR 150.7	Regulations defining when modifications can be administratively corrected vs. returned to OHA for determination.	Probate
25 CFR 150.8	Federal regulation relative to Title Status Reports.	Long-Term Leasing Title
25 CFR 150.9	Land Status Maps. LTROs shall prepare and maintain maps of all reservations and similar entities with in their jurisdictions to assist Bureau personnel in the execution of their title service responsibilities	Long-Term Leasing
25 CFR 151	Describes the authorities, policies and procedures that are used to decide whether to accept title to land in the name of the United States to be held in trust for the benefit of an individual Indian or a Tribe	Title
25 CFR 152	BIA Regulations governing	Appraisal



Citation	Description	Processes Where Noted
	conveying trust or restricted lands.	Subsurface Title
25 CFR 152.34	Approval of Mortgages and Deeds of Trust	Title
25 CFR 162	Leases and Permits regulations	Accounting Agricultural Leasing Appraisal Range
25 CFR 162 (a)	Leasing and Permitting	Long-Term Leasing
25 CFR 162.601	Leasing and Permitting Subpart F Grants of leases by Secretary	Long-Term Leasing
25 CFR 162.602	Leasing and Permitting Subpart F – Grants of leases by owners or their representatives.	Long-Term Leasing
25 CFR 162.604	Leasing and Permitting Subpart F Special requirements and provisions (b)(3) Leases may be granted or approved by the Secretary at less than fair annual rental when in his judgment such action would be in the best interest of the landowners. (g) (2) (3)	Long-Term Leasing
25 CFR 162.605	Leasing and Permitting Subpart F. Negotiation of Leases (a), (b) and (c)	Long-Term Leasing
25 CFR 162.606	Leasing and Permitting Sub Part F – Advertisement “Except as otherwise provided in this part, prior to granting a lease or permit as authorized under 162.601 the Secretary shall advertise the land for lease. Advertisements will call for sealed bids and will not offer preference rights.	Long-Term Leasing
25 CFR 162.607	Leasing and Permitting – Duration of Leases	Long-Term Leasing
25 CFR 162.608	Leasing and Permitting – Ownership of improvements	Long-Term Leasing



Citation	Description	Processes Where Noted
25 CFR 162.609	Leasing and Permitting – Unitization for leasing	Long-Term Leasing
25 CFR 162.610	Leasing and Permitting – Subleases and assignments	Long-Term Leasing
25 CFR 162.612	Leasing and Permitting Subpart F. (a) (b) (c)	Long-Term Leasing
25 CFR 162.613	Leasing and Permitting - Notify tenant rent payment is due	Long-Term Leasing
25 CFR 162.614	Leasing and Permitting – Lease payments subject to interest charges	Long-Term Leasing
25 CFR 162.615	Leasing and Permitting – Delinquent rental payments	Long-Term Leasing
25 CFR 162.616	Leasing and Permitting – Special fees assessed for delinquent payments	Long-Term Leasing
25 CFR 162.617	Leases and Permitting Subpart F – (a) (b)	Long-Term Leasing
25 CFR 162.618	Leases and Permitting Subpart F (a) (b) (1) (2)	Long-Term Leasing
25 CFR 162.619	Leasing and Permitting Subpart F (a) (1) (2) (3) (4)	Long-Term Leasing
25 CFR 162.620	Leasing and Permitting Subpart F (b)	Long-Term Leasing
25 CFR 162.621	Leasing and Permitting Subpart F (2) – While a cancellation decision is ineffective, the tenant must continue to pay rent and comply with the other terms of the lease.	Long-Term Leasing
25 CFR 163	Forest Management and Operations. Objectives of forest land management activities.	Beneficiary Services Forestry
25 CFR 166	Provides regulations for managing a approving, granting, and administering grazing permits. Regulates procedures for what needs to be done without including processes dictating how to complete tasks.	Accounting Appraisal Range
25 CFR 166 (i)	BIA's Trespass Policy	Agricultural Leasing
25 CFR 169	Rights-of-Way Over Indian Lands	Accounting



Citation	Description	Processes Where Noted
	(off lease). The regulations in this part 169 prescribe the procedures, terms and conditions under which rights-of-way over and across tribal land, individually owned land and Government owned land may be granted.	Appraisal Long-Term Leasing Subsurface Title
25 CFR 170.5	BIA Roads ROW regulations	Title
25 CFR 179	Life Estate & Future Interest	Accounting Title
25 CFR 211	Leasing of Tribal Lands for Mineral Development. Regulation implementing the Tribal Lands Mineral Leasing Act of 1938 authorizing the leasing of tribal lands for mineral development.	Accounting Subsurface
25 CFR 212	Leasing of Allotted Lands for Mineral Development. Regulation implementing the Allotted Land Leasing Act of 1909 authorizing the leasing of allotted lands for mineral development.	Accounting Subsurface
25 CFR 216	Surface Exploration, Mining, and Reclamation of Lands.	Subsurface
25 CFR 225	Oil and Gas, Geothermal, and Solid Mineral Agreements. Subparts .4, .5, & .6 regulate implementing the Indian Mineral Development Act of 1982 related to oil and gas, geothermal, and solid mineral agreements.	Accounting Subsurface
25 CFR 226	Oil and Gas: payment of bonuses, rentals, and royalties, Solid Minerals- payment of bonuses, rentals, and royalties.	Accounting
25 CFR 262	Protection of Archaeological Resources.	Long-Term Leasing Subsurface
25 CFR 900	Contracts Under the Indian Self-Determination and Education Assistance Act, Public Law 98-638.	Subsurface



Citation	Description	Processes Where Noted
	These regulations codify uniform and consistent rules for contracts by the Department of Health and Human Services (DHHS) and the Department of the Interior (DOI) in implementing title I of the Indian Self-Determination and education Assistance Act, Public Law 98-638, 25 U.S.C. 450 et seq., as amended and sections 1 through 9 preceding that title.	
25 CFR 1000	Annual Funding Agreements Under the Tribal Self-Government Act Amendments to the Indian Self-Determination and Education and Education Act. This part codifies uniform and consistent rules for the Department of the Interior (DOI) in implementing Title IV of the Indian Self-Determination and Assistance Act (ISDEA) Public Law 98-638, 25 U.S.C. 450 et seq., as amended by Title II of Public Law 103-413, the Tribal Self-Governance Act of 1994 (108 Stat. 4250, October 25, 1994).	Subsurface
25 USC 2	Duties of Commissioner	Range
25 USC 14	Provides for grazing and administrative fees.	Range
25 USC 161	Deposit in Treasury of Trust funds.	Long-Term Leasing
25 USC 162 (a)	Deposit of Tribal funds in banks. Prescribes allowable Trust investments for Indian Trust funds held by the U.S. Government.	Accounting Beneficiary Services Long-Term Leasing
25 USC 176	Provides that surveys of Indian lands shall be under the control of the BLM and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.	Cadastral Survey
25 USC 180	Settling On or Surveying Lands Belonging to Indians By Treaty,	Cadastral Survey



Citation	Description	Processes Where Noted
	Provides penalties for anyone other than the Federal government to settle on or to survey or attempt to survey lands belonging to any Indian tribe.	
25 USC 2218	Provides percentages from which consent can be considered granted based on number of ownership interests on undivided fractionated land.	Agricultural Leasing Range
25 USC 371	Empowers DOI to perform probate.	Probate
25 USC 372	Empowers DOI to perform probate.	Probate
25 USC 380	Provides superintendent authority to lease allotted lands where heirs have not been determined.	Agricultural Leasing Long-Term Leasing
25 USC 406	Authorizes sale timber from allotted Indian Lands with consent of the Secretary.	Forestry
25 USC 407	Authorizes sale timber from unallotted Indian Lands under regulations prescribed by the Secretary.	Forestry
25 USC 407 (d)	Added provision to allow charging purchasers of Indian timber for special services requested by purchasers.	Forestry
25 USC 413	Authorized the collection of fees to cover the cost of timber sales on Indian Lands (Admin Fees).	Forestry
25 USC 415	Lease of Restricted Lands.	Long-Term Leasing
25 USC 415 (b)	Lease of restricted lands; Seq. (b) Advance payment of rent or other consideration.	Long-Term Leasing
25 USC 416	Leases of trust or restricted lands on San Xavier and Salt River Pima Maricopa Indian Reservations.	Long-Term Leasing
25 USC 466	Requires that land be used to sustain yield.	Range
25 USC 477	Provides for tribal corporate enterprises & streamlines processes	Range



Citation	Description	Processes Where Noted
	involving them.	
30 CFR	Regulatory Limits	Subsurface
30 CFR	Validation Regulations	Subsurface
30 CFR	OSHA	Subsurface
30 CFR 1-199	Mine Safety and Health Administration (MSHA)	Subsurface
30 CFR 201-290	Mineral Management Services (MMS) specific regulations.	Subsurface
30 CFR 206 J	Product Valuation, Indian Coal. This subpart prescribes the procedures to establish the value, for royalty purposes, of all coal from Indian Tribal and allotted leases (except leases on the Osage Indian Reservation, Osage County, Oklahoma).	Subsurface
30 CFR 210 E	Forms and Reports, Solid Minerals, General. This subpart explains your reporting requirements if you produce coal or other solid minerals from Federal or Indian leases. Included are your requirements for reporting production, sales, and royalties.	Subsurface
30 CFR 216	Production Accounting. The purpose of this part is to ensure that the Federal Government receives proper information regarding energy and mineral resources removed from Federal and Indian leases and federally approved agreements.	Subsurface
30 CFR 218 E	Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government, Solid Minerals – General. As specified under the provisions of the lease, the lessee shall submit all rental and deferred bonus payments when due and shall pay in value all royalties in the amount determined by MMS to be due.	Subsurface
30 CFR 218.51	How to make payments. MMS	Subsurface



Citation	Description	Processes Where Noted
	regulations for oil and gas payments.	
30 CFR 750	Office of Surface Mining Reclamation and Enforcement – Requirements for surface coal mining and reclamation operations on Indian lands.	Subsurface
30 CFR 842	Office of Surface Mining Reclamation and Enforcement - Federal inspections and monitoring	Subsurface
31 USC 101	Defines how money and finance are handled by the US government.	Long-Term Leasing
31 USC 1535	Provides that the head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for services.	Cadastral Survey
36 CFR 800 - NHPA (Park Services)	Advisory Council on Historic Preservation	Subsurface
40 CFR	Environmental Regulations	Agricultural Leasing Range
42 BIAM, Supplement 3		Long-Term Leasing
43 CFR	Management of Public Lands	Cadastral Survey Subsurface
43 CFR 4	OHA Probate and Appeals Regulations	Accounting Subsurface Title
43 CFR 4.204	OHA Probate Regulations defining the requirements for issuing a presumption of death.	Probate
43 CFR 4.270	OHA regulations. Provides Superintendent with the authority to disburse funds required for the maintenance of the estate.	Accounting Probate
43 CFR 4.273	Instructs Line Officials to close estates.	Probate
43 CFR 4.310	OHA non-probate appeals	Beneficiary



Citation	Description	Processes Where Noted
	regulations.	Services Title
43 CFR 4.400-4.478	Protest and Appeal process, contains instructions. Subpart E	Cadastral Survey
43 CFR 3100	Onshore Oil and Gas Leasing: General, 3200.0-3 Authority.	Subsurface
43 CFR 3160	Onshore Oil and Gas Operations. The regulations in this part govern operations associated with the exploration, development and production of oil and gas deposits from leases issued or approved by the United States, restricted Indian land leases and those under the jurisdiction of the Secretary of the Interior by law or administrative arrangement, including the National Petroleum Reserve – Alaska.	Subsurface
43 CFR 3180	Onshore Oil and Gas Unit Agreements. The regulations in this part prescribe the procedures to be followed and the requirements to be met by the owners of any right, title or interest in Federal oil and gas leases and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit plan for the development of any oil or gas pool, field or like area, or any part thereof.	Subsurface
43 CFR 3260 - Geothermal	Geothermal Drilling Operations – General. The regulations in 43 CFR 3260 through 3267 establish permitting and operating procedures for drilling wells and conducting related activities for the purpose of performing flow tests, producing geothermal fluids, or injecting fluids into a geothermal reservoir. These subparts also address redrilling, deepening, plugging back, and other	Subsurface



Citation	Description	Processes Where Noted
	subsequent well operations. These subparts do not address conducting exploration operations or geothermal resources utilization.	
43 CFR 3480	Coal Exploration and Mining Operations Rules: General. Except as otherwise provided in 25 CFR Chapter I or Indian lands leases, these rules do not apply to operations on Indian lands. The provisions in these rules relating to advanced royalty, diligent development, continued operation, maximum economic recovery (MER), and mining units (logical mining units) shall not apply to Indian lands, leases and permits.	Subsurface
43 CFR 3590	Solid Minerals (Other than Coal) Exploration and Mining Operations. These regulations govern operations for all minerals on Indian tribal lands and allotted Indian lands leased under 25 CFR parts 211 and 212. Further, when the regulations in this part related to matters included in 25 CFR part 215 or 216 the regulations in this part shall be considered as supplemental and the regulations in 25 CFR part 215 or 216 shall govern to the extent of any inconsistencies.	Subsurface
43 USC 2	Provides that the Secretary of the Interior or such officer as he may designate should perform all duties of surveying and patenting of the public lands and private claims, contains instructions.	Cadastral Survey
43 USC 14	Returns Relative to Lands, All returns relative to the public lands shall be made to the Secretary of the Interior or such officer as he may designate.	Cadastral Survey
43 USC 17	Plats of Land Surveyed, Provides that the Secretary shall make a plat	Cadastral Survey



Citation	Description	Processes Where Noted
	of any land surveyed under the authority of the US and provide it to the BLM, contains instructions.	
43 USC 52	Surveying Duties, Provides that the Secretary of the Interior or such officer as he may designate shall engage skillful surveyors, and frame regulations not inconsistent with law or the instructions of the BLM. Cause to be surveyed public lands to which the Indian title has been or may be extinguished, contains instructions.	Cadastral Survey
43 USC 751	Rules of Survey, contains instructions.	Cadastral Survey
43 USC 752	Boundaries and Contents of Public Lands; How Ascertained, contains instructions.	Cadastral Survey
43 USC 753	Lines of Division of Half Quarter Sections; How Run, contains instructions.	Cadastral Survey
43 USC 772	Provides authority for the Secretary of the Interior to conduct resurvey or retracement of the surveys of public lands, contains instructions.	Cadastral Survey
43 USC 1711 (b)	Continuing Inventory and Identification of Public Lands; Preparation and Maintenance, Provides that the Secretary of the Interior shall ascertain the boundaries of the public lands, including signs and maps, and provide data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in proximity of such public lands, contains instructions.	Cadastral Survey
43 USC 1737	Provides that the Secretary may accept contributions for cadastral surveying performed on federally controlled or intermingled lands, contains instructions.	Cadastral Survey
54 BIAM	Real Property Management	Long-Term Leasing



Citation	Description	Processes Where Noted
59 IAM 9	Protection of Historical and Archeological Resources	Range
Acts of Congress	Changes business processes (i.e. private relief bills).	Cadastral Survey
Allotted Land Leasing Act of 1909 - 25 USC 396	Authority to lease allotted mineral assets.	Subsurface
American Indian Agriculture Resource Management Act of 1994 - 25 USC 3701	Requests plans to depict fencing requirements, areas to be excluded from permitting, trespass prevention/resolution procedures, livestock control responsibilities, resource development objectives and responsibilities, etc.	Agricultural Leasing Range
American Indian Religious Freedom Act of 1994, as amended - 42 USC 1996	States the policy of the U.S. to protect and preserve the inherent rights of freedom to believe, express and exercise traditional religions including but not limited to access to religious sites, use and possession of sacred objects and freedom to worship through ceremonial and traditional rites. Federal agencies are to evaluate policies and procedures to determine if changes are needed to ensure that such rights and freedoms are not disrupted by agency practices.	Forestry Subsurface Water
American Indian Trust Fund Management Reform Act of 1994 - 25 USC 162 (a) & 4011	Mandated requirements for Trust Assets Management.	Accounting Long-Term Leasing
Antiquities Act of 1906 - 16 USC 431-433	American Antiquities Act of 1906 (PL 59-209; 34 Stat 225:) Permits the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they deem properly qualified to conduct such examination, excavation, and gathering, subject to such rules and	Forestry Long-Term Leasing Subsurface Water



Citation	Description	Processes Where Noted
	regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.	
Archaeological and Historic Preservation Act of 1974 - 16 USC 469a	Establishes constraints that may significantly increase cost and/or restrict or eliminate proposed activities.	Forestry Long-Term Leasing Water
Archaeological Resources Protection Act (ARPA) of 1979 - 16 USC 470	Provides for the protection of archaeological resources and sites which are on public and Indian lands, and fosters increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979. Establishes civil and criminal penalties for the unauthorized excavation, destruction or trafficking in archeological resources.	Forestry Probate Long-Term Leasing Subsurface Title Water
Babbitt V. Youpee	The court decision finding ILCA unconstitutional because owners of estate property purchased by tribes were not properly compensated for the land.	Probate
Beneficiary Obligations	Provides tribal focus and needs. Affects priority setting.	Water
BIA Lease Stipulations	Specific and unique BIA lease stipulations.	Subsurface
BIA Policies & Trust Responsibilities	Varies in accordance with regional needs and state and local	Agricultural Leasing



Citation	Description	Processes Where Noted
	obligations.	Forestry Long-Term Leasing Water
BIA/BLM/MMS Tripartite MOU of 1997	Memorandum of Understanding between BIA, BLM and MMS Regarding Working Relationships Affecting Mineral Lease Activities, June 1997.	Subsurface
BIA Stripper Well Memorandum	To provide guidance for the stripper oil royalty rate reduction (RRR) program.	Subsurface
BIA Water Resources Policy	Provides requirements for process	Water
BLM Onshore Order No. 1	Approval of Operations	Subsurface
BLM Onshore Order No. 3	Site Security	Subsurface
BLM Onshore Order No. 4	Measurement of Oil	Subsurface
BLM Onshore Order No. 5	Measurement of Gas	Subsurface
BLM Onshore Order No. 2	Drilling	Subsurface
BLM Onshore Order No. 6	Hydrogen Sulfide Operations	Subsurface
BLM Onshore Order No. 7	Disposal of Produced Water	Subsurface
Case law (e.g. IBIA)	Precedential decisions	Agricultural Leasing Cadastral Survey
Chief Financial Officers Act of 1990 (CFO Act)	Chief Financial Officer's Act has provisions that apply to Indian Trust Audit.	Accounting
Claims against estate	To ensure the account balances necessary for claim payments.	Accounting
Clean Air Act - 42 USC 7401	Originally passed in 1963, the purpose of the Clean Air Act is to protect and enhance the quality of the Nation's air resources so as to protect public health and welfare. The Act provides technical and financial assistance to States and local governments to develop their own air pollution control programs, and encourages the development of regional programs. Similar to the Clean Water Act, the Clean Air Act establishes air quality standards and	Agricultural Leasing Forestry Range Subsurface Water



Citation	Description	Processes Where Noted
	recognizes the authority of States and local governments to establish stricter standards. The Act requires a permitting and enforcement program for certain construction and industrial activities in areas where standards are not attained.	
Coastal Zone Management Act of 1972 - 16 USC 1451 and 1456	To preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone.	Forestry Water
Cobell lawsuit	Lawsuit against the Federal government for mismanagement of IIM [Individual Indian Monies] trust accounts.	Agricultural Leasing Range
Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) - 42 USC 9601 to 9675	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). Provides for liability, compensation, clean-up and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste sites. Provides authority and process for responding to hazardous substance spills and for funding and remediation of high priority hazardous substance waste sites (Superfund sites).	Subsurface
Cooperative Forestry Assistance Act of 1978 - 16 USC 2101	To authorize the Secretary of Agriculture to provide cooperative forestry assistance to states and others, and for other purposes.	Forestry
Court Mandated Requirements	Litigation terms and conditions. Sets precedence & stipulations for projects	Water
Court Orders	Settlements & involuntary holds	Accounting
Dead and Down Timber Act - 25 USC 196	Permits sale of dead or down timber on Indian Lands	Forestry
Department of Transportation Act of 1966 (Section 4f) - 49 USC 303	Transportation legislation relative to environmental protection.	Forestry Water
Deputy Commissioner's Memo (April	Directed Agencies to solicit	Title



Citation	Description	Processes Where Noted
2, 1998)	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.	Title
Deputy Commissioner's Memo (May 26, 1994)	Withdraws the Assistant Secretary's directive of May 17, 1991 requiring that all applications for off-reservation fee-trust acquisitions be referred to the Central Office for review and approval (except for Gaming).	Title
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.	Title
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.	Title
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.	Title
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.	Title
Deputy Commissioner's Memo (February 5, 2002)	Directed the BIA to forward its decision analysis for off-reservation trust land acquisitions to the Central Office for review prior to signing the conveyance document.	Title
Deputy Commissioner's Memo (April	Policy statement indicating that the	Title



Citation	Description	Processes Where Noted
17, 2002)	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.	
Distribution Plans	For supervised accounts or accounts with restrictions or encumbrances.	Accounting
DoJ Title Standards 2001	Standards for the preparation of title evidence in land acquisitions by the United States.	Title
Endangered Species Act (ESA) of 1973 - 16 USC 1531	Provides for the conservation of ecosystems upon which threatened and endangered species depend, and provides a program for the conservation of such species. The ESA declares a policy that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species. The regulations implementing the Act provide a mechanism for Indian tribes and Indian religious practitioners to acquire live specimens, bodies and body parts of species listed as threatened or endangered.	Agricultural Leasing Beneficiary Services Forestry Long-Term Leasing Range Subsurface Title Water
Escheat law (for fractionated interest and judgment funds that can revert to tribes)	If funds are unclaimed for seven years, they revert to the Tribe.	Accounting
Estuary Protection Act - 16 USC 1221-1226	General study and inventory of estuaries and their natural resources.	Forestry Water
Executive Order 11593	Protection and Enhancement of Cultural Environment	Forestry Long-Term Leasing Subsurface Water
Executive Order 11988	Order related to Floodplain Management	Agricultural Leasing Forestry



Citation	Description	Processes Where Noted
		Long-Term Leasing Range Water
Executive Order 11990	Wetlands Protection of 1977	Agricultural Leasing Forestry Long-Term Leasing Range Subsurface Water
Executive Order 12898	Environmental Justice	Agricultural Leasing Range
Executive Order 13007	Indian Sacred Sites	Agricultural Leasing Range Subsurface
Executive Order 13112	Invasive Species	Agricultural Leasing Range
Executive Order 13175	Consultation and Coordination with Indian Tribal Governments. Mandates that federal agencies consult and collaborate with Indian Tribes.	Agricultural Leasing Beneficiary Services Range Subsurface
Executive Orders	May affect boundaries.	Cadastral Survey
Federal Acquisition Regulations (FAR)	Regulation pertaining to acquiring products and services on behalf of the Federal Government. Provides framework for acquisitions related to water management projects.	Forestry Water
Federal Aid Highway Act of 1958 - 23 USC 128 and 138	To improve mass transportation.	Forestry Water
Federal Cash Management Policies	OMB policies for cash management.	Long-Term Leasing
Federal Coal Mine Safety & Health	To provide for the protection of the health and safety of persons	Subsurface



Citation	Description	Processes Where Noted
Act of 1969 - 30 USC 801	working in the coal mining industry of the United States.	
Federal Court Order and Decisions	May affect boundaries. Conservator-ship; guardianship; account restrictions; restitution	Cadastral Survey Accounting
Federal Land Policy and Management Act of 1976, As Amended - 43 USC 1701 and 1761-1771	To establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.	Cadastral Survey Forestry Long-Term Leasing Water
Federal Law	Laws governing federal trust responsibility.	Probate
Federal Oil & Gas Royalty Management Act (FOGRMA) - 30 USC 1701	A comprehensive law dealing with royalty management on Federal and Indian leases. Includes among other things: revenue accountability requirements, provisions pertaining to onshore field operations, inspections, cooperation with States and Indian tribes, duties of lessees and other lease interest owners, purchasers, transporters and purchasers of oil and gas.	Beneficiary Services Subsurface
Federal Power Act - 16 USC 797	Federal regulation and development of power.	Forestry Long-Term Leasing Water
Federal Water Pollution Control Act of 1977 - 33 USC 1251	(Formerly the Clean Water Act) Originally passed in 1948 to enable Federal assistance and control of waste water treatment systems, the Federal Water Pollution Prevention and Control Act was amended in 1972 and re-designated as the Clean Water Act. The overreaching goal of the law is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. The Act establishes water quality standards and standards and limits for waste water effluents. It provides a	Agricultural Leasing Forestry Long-Term Leasing Range Subsurface Water



Citation	Description	Processes Where Noted
	regulatory permitting or licensing system for discharges into the waters of the U.S. The Act recognizes the authority of the states to allocate quantities of water within their jurisdiction, establish different water quality standards, and to assume control of and manage certain Clean Water Act programs. Other amendments have added Section 1377 to the Act to provide that Indian Tribes will be treated as States for purposes of the Act, and to provide for programs on Indian lands.	
Fish and Wildlife Coordination Act - 16 USC 661 and 662	To provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs.	Forestry Long-Term Leasing Water
Fish and Wildlife Conservation at Small Watershed Projects - 16 USC 1001, 1005(4) and 1008	Grants awarded to projects benefiting conservation education, habitat protection and restoration, and natural resource management.	Forestry Water
Flood Disaster Protection Act of 1973 - 42 USC 4001	Establishes a federally sponsored flood insurance program.	Forestry Water
Forest and Rangeland Renewable Resources Act - 16 USC 1601	The public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated.	Forestry Water
Freedom of Information Act (FOIA) - 5 USC 552	Procedures and regulations related to the release of information.	Appraisal Beneficiary Services Title
GAO Guides	Regulations and guidance for Federal Financial Accounting and budgeting.	Accounting



Citation	Description	Processes Where Noted
General distribution plan and various acts of Congress (e.g. 47 and 73 Acts)	Mandatory orders for supervised accounts.	Accounting
GPRA	Government Performance and Results Act - to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.	Cadastral Survey
IA: AG20000 K039 Interagency Agreement (BLM/BIA)	National Interagency Agreement. Identifies responsibility and funding at a national level.	Cadastral Survey
Indian Claims Act - 28 USC 2415	Time for resolving Indian Treaty claims against the United States.	Agricultural Leasing Range
Indian Gaming Regulatory Act - IGRA (Section 20) - 25 USC 2701	Land Acquisitions for gaming.	Title
Indian Land Consolidation Act (ILCA) of 1984, Amended 2000 - 25 USC 2201	Prevent further fractionation of trust allotments and to consolidate fractional interests ... into usable parcels.	Agricultural Leasing Appraisal Beneficiary Services Cadastral Survey Long-Term Leasing Range Subsurface Title
Indian Mineral Development Act (IMDA) of 1982 - 25 USC 2101	Provides for Tribes to enter into joint ventures, operating, production sharing, service, managerial, lease or other agreement providing for exploration for, extraction, processing or other development of oil, gas, uranium, coal, geothermal or other energy or non-energy mineral resources in which the Tribe owns a beneficial or restricted interest or providing for the sale or other disposition or the production or products of such	Subsurface



Citation	Description	Processes Where Noted
	mineral resources.	
Indian Reorganization Act of 1934 - 25 USC 461	Directs the Secretary to make rules and regulations for management of Indian Forestry units based upon sustained yield management.	Forestry
Inspector General Act (IG Act) - 5A USC 6-11	Created office of IG and defined responsibilities, including oversight of audits of government agencies.	Accounting
Intergovernmental Coordination Act of 1968 - 42 USC 4201 - 4244	An organized intergovernmental approach to auditing.	Forestry Water
Internal Revenue Code, section 6049	Returns Regarding Payments of Interest: requirement to file a 1099 return for every account that earns \$10 or more in interest income per year.	Accounting
Interior Board of Indian Appeals (IBIA) & federal court decisions, Solicitors' opinions, Secretarial orders	Decisions, opinions and orders that affect the process by further defining applicable laws and regulations.	Beneficiary Services Probate
Interior Board of Land Appeals (IBLA) Decisions	May affect boundaries.	Cadastral Survey
Internal BLM Policy	Direction from BLM Eastern States for the Secretary's copy of Cadastral Survey records.	Cadastral Survey
IRS Regulation 31.6109-1	Requirement to supply a taxpayer identification number when filing a return (IRS considers 1099 to be a type of return).	Accounting
Kauley v. U.S.	Class action suit that, in accordance with the settlement, requires BLM and MMS to hold periodic beneficiary meetings regarding oil and gas royalties and mineral rights.	Beneficiary Services
Kennerly Process	Process by which the DOI notifies beneficiaries of the extent of a default.	Title
Land and Water Conservation Fund Act of 1965 (Section 6) - 16 USC 4601-4608(f)	Regulates admission and special recreation user fees at certain recreational areas and establishes a fund to subsidize state and federal	Forestry Long-Term Leasing Water



Citation	Description	Processes Where Noted
	acquisition of lands and waters for recreational and conservation purposes.	
Local BLM Policy	Could change the way surveys are completed.	Cadastral Survey
Local IA/MOU	Local Interagency Agreement and Memorandum of Understanding. Identifies responsibility and funding at a local level.	Cadastral Survey
Manual of Survey Instructions of the Public Lands of the United States, 1973	BLM Manual of Survey Instructions. Adopted into law in western states.	Cadastral Survey
Marine Protection, Research and Sanctuaries Act - 16 USC 1431-1434	To identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System.	Forestry Water
Mineral Leasing Act Amendments of 1973 - 30 USC 185	Rights-of-way for pipelines through federal lands.	Forestry Water
National Environmental Policy Act (NEPA) of 1969 - 42 USC 4321	Specifically requires federal agencies to prepare detailed statements on the environmental impacts of proposed major Federal actions significantly affecting the quality of the human environment. The Act declares a policy of the Federal government to cooperate with State and local governments, and the concerned public, to protect and enhance environmental quality. The regulations implementing the Act require Federal agencies to consult with tribes and interested persons/organizations when Indian lands may be affected.	Beneficiary Services Forestry Range Subsurface Title
National Historic Preservation Act (NHPA) of 1966 - 16 USC 470	Authorizes the Secretary of the Interior to maintain a National Register of Historic sites, and to grant funds to the States for historic preservation projects. Specifically requires Federal agencies to take into account the effect of Federal undertakings on properties listed or	Agricultural Leasing Beneficiary Services Forestry Long-Term Leasing



Citation	Description	Processes Where Noted
	eligible to be included in the National Register.	Range Subsurface Title Water
National Indian Forest Resources Management Act - 25 USC 3101	To undertake management activities on Indian forestlands, in furtherance of the U.S. trust responsibility for these lands.	Forestry
National Mineral Policy, Research & Development Act of 1998	Extension to FOIA regarding confidentiality and withholding of information.	Subsurface
National MOU for Indian Coal	<u>Management of Coal Mining on Indian Lands</u> , an MOU between BIA, BLM, & OSM related to the management of Indian coal Trust resources.	Subsurface
National Trails System Act - 16 USC 1241	To provide for recreation, public access, enjoyment, and appreciation of the "open-air, outdoor areas and historic resources of the Nation".	Forestry Water
Native American Graves Protection & Repatriation Act (NAGPRA) of 1990 - 25 USC 3001	Provides for the protection of Native American graves, and provides that ownership of Native American human remains and cultural items discovered or excavated on Federal land shall be in the tribal organization having the closest cultural affiliation with such items.	Subsurface Title
Noise Control Act of 1972, as amended - 42 USC 4901	To establish a means for effective coordination of Federal research and activities in noise control.	Forestry Water
Notice to Lessees #3A (BLM)	Reporting of Undesirable Events.	Subsurface
Notice to Lessees #4A (BLM)	Royalty or Compensation for Oil and Gas lost.	Subsurface
Natural Resources Conservation Service	A service to help people conserve, maintain and improve natural resources and the environment.	Agricultural Leasing
Occupational Safety & Health Act (OSHA) - 29 USC 651	Occupational Safety and Health Administration Compliance Assistance Authorization Act	Subsurface



Citation	Description	Processes Where Noted
	(OSHA) of 1998) formerly the Occupational Health and Safety Act of 1970.	
OMB Circular A-16	Describes the responsibilities of the Federal agencies with respect to coordination of Federal surveying, mapping, and related spatial data. The Department of the Interior is responsible government-wide for the coordinated planning and execution of those functions related to the Public Land Survey System.	Cadastral Survey
OMB Guidelines	Regulations and guidance for Federal Financial Accounting and budgeting.	Accounting
Open Space Lands Act - 42 USC 1500a(d)	To provide and protect open space for the social, environmental, and economic well-being of the citizens of the US.	Forestry Water
Other Constituency Obligations	Dependant upon land use terms, modifications to lease may require review and approval by other parties as well as beneficiary/land owner consent prior to the modification being performed.	Long-Term Leasing
PL 87-283	Unclaimed per capita accounts.	Accounting
PL 93-638 (as amended) - 25 USC 450 (f)	Indian Self-Determination and Education Assistance Act, Public Law 93-638. Provides for maximum Indian participation in government, education, programs, services, and to encourage the development of the human resources of the Indian people.	All eight core processes
PL 97-255	Federal Manager's Financial Integrity Act of 1982.	Beneficiary Services
PL 100-86	Public Law competitive equality banking act of 1987 regarding time limits on government checks.	Accounting
PL 103-412	American Indian Trust Fund Management Reform Act of 1994. Establishes oversight on DOI trust reform efforts and allows the	Accounting Beneficiary Services Long-Term



Citation	Description	Processes Where Noted
	Secretary to discharge trust responsibilities.	Leasing
PL 280	Enables states to assume civil and criminal jurisdiction over Indians and their lands.	Beneficiary Services
Policy on Resolving ID Discrepancies	Deputy Commissioner's Memo (April 8, 2002) This memorandum describes the Department's approach to resolving discrepancies in Indian ID numbers.	Probate
Presidential Proclamation	May define Reservation boundaries.	Cadastral Survey
Privacy Act of 1974 - 5 USC 552 (a)	Protects information pertaining to individuals i.e., IIM account information.	Appraisal Beneficiary Services Title
Privacy Act - Allotted Lands Only - 5 USC 552	Allotted Lands Only. Applicable to all valuation report contents.	Subsurface
Probate Interim Order	Provide authority to disburse funds.	Accounting
Public Land Orders	May affect boundaries.	Cadastral Survey
Public Laws for Judgment Accounts	Affects the distribution of funds.	Beneficiary Services
Regulatory Requirements	Provides requirements for regulating water management activities	Water
Reservation specific court decision(s)	Specific Case law affecting applicable forest management.	Forestry
Resource Conservation & Recovery Act (RCRA) - 42 USC 6901	Resource Conservation & Recovery Act of 1976 (RCRA). Provides for Federal and State authority to regulate disposal of solid and hazardous wastes in order to promote the protection of health and the environment and to conserve valuable material and energy resources.	Forestry Long-Term Leasing Subsurface Water
Rivers and Harbors Act of 1899 (Sec 9 and 10) - 33 USC 401	Prohibits the construction of any bridge, dam, dike or causeway over or in navigable waterways of the U.S. without Congressional	Forestry Long-Term Leasing Water



Citation	Description	Processes Where Noted
	approval.	
Safe Drinking Water Act - 42 USC 300(h)	Establishes constraints that may significantly increase cost and/or restrict or eliminate proposed activities	Forestry Water
Secretarial Order 3127	Contaminate Survey	Subsurface
Secretarial Order 3150	Delegation of Authority through the Assistant Secretary to the Commissioner of Indian Affairs.	Beneficiary Services
Secretarial Order 3177	Extension of Secretarial Order 3150. Establishes the authorities of BIA line officials.	Beneficiary Services
Secretarial Order 3206	American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and ESA.	Agricultural Leasing Range
Secretarial Order 3215	Principles for the discharge of the Secretary's trust responsibilities.	Beneficiary Services
Secretarial Orders	May affect boundaries.	Cadastral Survey
Secretary's Trust Principles	13 principles guiding the management of trust assets, information and records.	Beneficiary Services
Self-Determination Act – Title IV	See PL 93-638	
Snyder Act of November 2, 1921 - 25 USC 13	Irrigation operation and maintenance and Indian irrigation projects.	Beneficiary Services
Solicitor's Opinions	Opinions offered to DOI officials.	Beneficiary Services
State Oil & Gas Commission MOU, where applicable	Roles & responsibilities for spacing, mineral resource conservation, etc.	Subsurface
State Probate Laws	Laws that prescribe how Trust estate will be divided for intestate succession.	Probate
Statute authorizing Tribal Land Enterprises	Statute/resolution derived to enable tribal enterprises on tribal lands. Types may include casinos, commercial, timber. Generates direct pay agreements outside of the OTFM.	Agricultural Leasing Long-Term Leasing



Citation	Description	Processes Where Noted
Surface Mine Control & Reclamation Act (SMCRA) of 1977 - 30 USC 1201	A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines.	Forestry Subsurface Water
Taylor Grazing Act - 43 USC 315	Contains grazing regulations that apply to checkerboard lands including non-Trust federal lands.	Range
Terms of Lease or IMDA Agreement	Specific lease terms related to payment of rentals and bonus amounts.	Subsurface
Treasury Regulation	SF1081 schedule of collection and withdrawals between agencies. Control on funds disbursements.	Accounting
Treaties	Legal instrument providing Tribes with land and recognition of Indian Tribes as Nations.	Beneficiary Services Cadastral Survey
Tribal Budgets	Must be prepared for judgment funds; usually supporting documentation for Tribal draw-down schedule.	Accounting
Tribal Draw Down Schedule	Tribal resolutions/draw down schedule/disbursement.	Accounting
Tribal Employment Rights Office (TERO)	TERO manages the Tribal Employment Rights Ordinance which provides for Indian Preference in any employment, contract and subcontract conducted on Indian Reservations.	Subsurface
Tribal Grazing Resolution / Ordinance	Range or land use ordinance can dictate policy and decision-making.	Range
Tribal Land Use Policy	Land use ordinances that describe long-range goals and objectives for land use on reservations.	Cadastral Survey
Tribal Lands Mineral Leasing Act of 1938 - 25 USC 396	Authority to lease tribal mineral assets.	Subsurface
Tribal Ordinance	Specific ordinances that address specific questions.	Agricultural Leasing Cadastral Survey Forestry



Citation	Description	Processes Where Noted
		Long-Term Leasing Range Subsurface
Tribal Probate Codes	Five tribes have their own probate codes approved by the Secretary of the Interior. Overrides federal and state laws and regulations.	Probate
Tribal Resolutions	Directives, ordinances and codes from Tribal Governments to initiate, confirm and/or recognize actions/requests.	Beneficiary Services
Tribal Zoning	Zoning for commercial, industrial and residential development.	Long-Term Leasing
Urban Park and Recreation Recovery Act - 16 USC 2501	To provide Federal grants to local governments for the rehabilitation of recreation areas and facilities.	Forestry Water
USDA Farm Bill	To provide for the continuation of agricultural program through fiscal year 2011.	Agricultural Leasing
Use and Distribution Plans	Tribes develop for distribution of judgment awards; must be approved by Secretary of Interior.	Accounting
USFLA (Uniform Standards for Federal Land Acquisitions)	Federal control document. Referred to as the "Yellow Book". A set of requirements for developing an opinion of value for the purpose of acquiring land for the Federal Government.	Appraisal
USPAP (Uniform Standards of Professional Appraisal Practices)	The standards and practices of the appraisal process according to the congressionally established Appraisal Foundation.	Appraisal
Water Resources Planning Act of 1965 - 42 USC 1962	This Act establishes a cabinet-level Water Resources Council to study, coordinate and review water and related land resources requirements, policies and plans, and authorizes funding for states to plan and implement related programs.	Forestry Water
Wetlands Protection Act	Corp of Engineers permits.	Subsurface



Citation	Description	Processes Where Noted
Wild and Scenic Rivers Act of 1868 (Sec 7) - 16 USC 1274	Created to protect wild, scenic and recreational stretches of river in the United States.	Forestry Water Long-Term Leasing



Appendix G, Industry Resources

Input from the following government and industry organizations and individuals was used in the development of this report:

Commercial Trust Banks	
Bank of America	Bank of America currently manages two million acres of trust lands and 115,000 interests totaling approximately two billion dollars.
Bank of Oklahoma	Bank of Oklahoma Trust Operations manages eighteen billion dollars in client assets, including 50,000 oil and gas assets
Wells Fargo Bank	Wells Fargo Trust manages a 23 state territory that includes over 6500 individual assets covering 862,000 acres and is valued at 2.6 billion dollars.

Government Agencies	
Department of Justice	The Department of Justice published Title Standards 2001
Environmental Protection Agency (EPA)	The EPA has developed and institutionalized principles of customer service and standards of performance for their key process areas
Office of the Comptroller of the Currency	The OCC is the bureau within the Department of the Treasury that is responsible for chartering, regulating, and supervising all national banks. Commercial trusts follow OCC guidelines in performing their fiduciary responsibilities.
Social Security Administration (SSA)	The SSA has incorporated several electronic initiatives in the area of beneficiary service, including interaction tracking and best practice inventories
U.S. Geological Survey (USGS)	The USGS is the science agency within DOI. USGS has a comprehensive customer service plan including elements of strategy, policy, performance reporting, and employee incentives.
Veterans Benefit Association (VBA)	In response to criticism received by the General Accounting Office (GAO), the VBA instituted a program of change incorporating customer surveys, employee training, and electronic processing improvements.



Industry Participants	
American Association of Retired Persons (AARP)	Sally Herme is an attorney with AARP, specializing in guardianship and surrogate decision making by trustees and executors
American Congress on Survey and Mapping	Curt Sumner is the executive director of the American Congress on Survey and Mapping and owner of Sumner Consulting
American Society of Appraisers	Edwin Baker is the executive vice president of the American Society of Appraisers and former chair of the Appraisal Subcommittee
Georgia-Pacific	Georgia-Pacific is among the world's leading forest product companies, and maintains a strategy for responsible and sustainable forestry.
Land Trust Alliance	The Land Trust Alliance provides programs including grants, training, technical assistance and mentoring to assist land trusts.
Lemoyne Realty	Henri Lemoyne is a member of the Appraisal Institute and the American Society of Appraisers, and was formerly the president of the American Society of Farm Managers and Rural Appraisers. He is currently with the private appraisal firm of Lemoyne Realty in Twin Falls, ID.
National Center for State Courts	Paula Hanneford is a senior research associate and staff attorney with the National Center for State Courts and has worked in collaboration with the American College of Trust and Estate Council. The National Center for State Courts published the National Probate Court Standards.
Stewart Title	Stewart Title provides title insurance and related services through over 6,100 issuing locations in the United States and internationally.
Suzanne Barker, Esq.	Ms. Barker is a probate attorney currently practicing in Albuquerque, NM
TriState Limited	Steve Parrish is a private surveyor with TriState Limited. Additionally, his background includes time spent as a Forest Land Surveyor and Regional Land Surveyor with the U.S. Forest Service, BLM Project Office Manager and Cadastral Survey Chief, and private survey consultant.



Industry Participants	
Wal-Mart	Wal-Mart is a retail success story founded upon genuine customer service and the ingenuity of its founder, Sam Walton.
Weyerhaeuser	Weyerhaeuser is among the world's leading forest product companies, and has been ranked No. 1 in its industry in social responsibility in Fortune magazine's annual corporate reputation survey for seven years

County Courthouses	
County Clerk, Bell County, TX	Bell County is located in Central Texas, and is comprised of approximately 130,000 tracts of land covering 1059 square miles.
Fairfax County Circuit Court, Fairfax, VA	Fairfax County is located in Northern Virginia, and is comprised of 327,760 taxable land parcels and 5,100 non-taxable parcels. Fairfax County has recently implemented a workflow management system (InputAccel) allowing web access to land records.



Appendix H, Highlights from OCC Comptrollers Handbook for Fiduciary Activities

The OCC offers thorough guidelines and recommendations related to the performance of fiduciary activities. The following are key points made in the OCC Comptrollers Handbook for Fiduciary Activities:

- **Trust Responsibility** - Directors are ultimately responsible for directing and reviewing the actions of all employees involved in the exercise of fiduciary powers; their responsibility cannot be delegated to other members of their administration.
- **Management** - The effect that management will have on future fiduciary activities is highly significant. The depth of planning and the forward-looking attitude of executive officers are relevant in assessing that impact. Evaluate management personnel based on education, training, experience and character OCC –10
- **Board Leadership** – If the board chooses to assign particular functions to individuals or committees, it must be informed about how the assignments are performed. Boards should conduct a yearly assessment of trust department organization and administration to ensure that fiduciary powers are being properly exercised.
- **Policies and Procedures** – Well-developed policies, procedures and internal controls are necessary to maintain an efficient environment and ensure compliance with law and 12 CRF 9.

Policies should be constructed to convey a clear framework within which the trust officers can operate and administer all aspects of the fiduciary business. Some of the more important areas noted by OCC where policies, procedures and internal controls are needed include:

- Investments
- Self-dealing/conflict of interest
- Personnel (This includes such elements as the amount of trust department staff, qualifications, organizational structure, employee ethics, salary administration, and employee benefits.)
- Profitability
- **Auditing Activities** – The trust department should be audited at least one time every calendar year and within no more than 15 months of the last audit. When the internal staff lacks the necessary knowledge of trust audit techniques and procedures, the OCC encourages boards to employ outside auditors to conduct audits on their behalf. The specific responsibilities and qualifications of internal auditors varies depending upon the size and complexity of a bank's trust activities and on the importance placed on the audit function by management.
- **Regulation** - Trust administration is regulated by the following
 - Prudent person standards
 - Common law principles
 - State and federal laws and regulations



- Industry practices
- **Organizational Structure** – Characteristics of a strong organizational plan include:
 - Scalable - The organizational structure and related plans should accommodate the current types and workloads of business handled, plans for future growth, and other local circumstances.
 - Flexible – The plan should promote an orderly flow of work and be sufficiently flexible to accommodate peak work loads
 - Definition of Functions - Functions should be clearly defined and effectively executed
 - Procedures - Procedures for recruitment, training, evaluation and salary administration should be included.
 - Equal opportunity – All personnel should be granted equal opportunity in the administration of procedures.
 - Sizing – There should be enough staff to handle the volume of work. Lines of authority and responsibility should be clearly defined and effectively communicated
 - Controls – A program of internal controls and a system of checks and balances should be integrated
 - Communication - Procedures for effective communication should be in place
- **Corporate planning** –long range planning consists of making current decisions involving the future. All levels of management should participate in the planning process.
- **Trust Agreement** - The trust agreement should provide for:
 - Duties of the trustee
 - The use of nominee names
 - Safekeeping
 - Allocation of principal and income
 - Payment of fees
 - Power of the trustee to resign, if necessary, with provisions for a successor trustee
 - Investment objectives or restrictions
 - Provisions for asset disposition upon termination of trust



Appendix I, Commercial Trust Service Standards

The following service standards were provided by a commercial trust with sizeable land trust operations. Standards of this nature are used by commercial banks to ensure that trust responsibilities are carried out in a timely and accurate manner.

General

Item	Timeliness	Target
External Clients: Telephone call, fax or e-mail	Respond within 24 hours	100%
Disbursement Request – directly from power-holder	Process within one working day	98% within one day, 100% within two days
Disbursement Request – requiring Discretionary Action	Process first Friday following receipt of request. Respond to client same day as approval/declination	98% if received by noon Thursday 100% by next Friday
Written inquiry	Respond within 2 business days	100%
Deposit of funds	Same day	100%
Investment of cash balances	Same day (if received prior to cut-off times)	100%
Account Reviews – completion of documentation	One day prior to review date	99%
Account Reviews – Discuss investment exception with Portfolio Manager	Two days prior to review date	99%
Internal Clients: Telephone call, fax or e-mail	Respond within 24 hours	100%
Setup New Accounts	(See Attached New Account Standards)	
Annual Client Administrative/ Investment Meetings	One meeting at least annually	98%
Directed traded input	Officer (not Investment Group) to place all directed trades.	100% for sales 100% for purchases- asset is set up on system

New Accounts

Item	Timeliness	Target
Trusts and Agencies	Obtain Management approval/declination for new account within 2 business days of obtaining	95% 100% within 5



Item	Timeliness	Target
	formal request for services from client	business days
	Set up new account within 2 business days of receipt of mgmt approval and adequate documentation from client	95% 100% within 5 business days
	Mail/fax request for transfer of assets within 2 business days of receipt of same from client	98% 100% within 3 business days
	Hold first client administrative and investment objective meeting within 10 days of opening new account	95% 100% within 14 months
	Hold client administrative follow-up and investment performance review meeting within 3 months of substantial funding (sooner if exceptions noted)	95% 100% within 4 months
Court Accounts (Estates, Guardianships, etc.)	Obtain Management approval/declination for new account within 2 business days of determining legal status as potential PR, executor, guardian, etc.	95% 100% within 5 business days
	Set up new account within 2 business days of court appointment to position	95% 100% within 5 business days
	Mail/fax request for transfer of assets within 2 business days of receipt of same from client	98% 100% within 3 business days
	Hold first client administrative and investment objective meeting within 5 business days of opening new account	95% 100% within 10 business days
	Hold client/attorney administrative follow-up and investment performance review meeting within 1 month of substantial funding (sooner if exceptions noted)	95% 100% within 2 months

Customer Service

Item	Timeliness	Target
Month end cycle	Mail last stmt. by end of 6 th Business days of the following month	99%
Quarter end cycle	Mail last stmt. by end of 8 th business days of the following month	99%
Annual cycle	Mail last stmt. by end of 12 th business days of the following month	99%
Statement Mailing	Mail all Client data as specified by Account Admin. (overnight, courier, etc.) Proper contents.	100%
Statement Out of Balances - Month End cycle	Resolve within 2 business days.	99%



Item	Timeliness	Target
Statement Out of Balances - Quarter End cycle	Resolve within 4 business days.	99%
Statement Out of Balances - Annual cycle	Resolve within 6 business day.	99%
Performance Measurement - Monthly Processing	Schedule by 5 th business day of the following month	100%
Performance Measurement - Correct Transaction Exceptions	Review Trans. Exception report and resolve by 8 th business day of the following month	100%
Performance Measurement - Resolve Adm/Inv inquiries	Research and resolve 90% Adm/Inv inquiries within 2-3 business days, remaining 10% resolved within 10 business days	100%
Posting Transactions	Post all transactions received by 4pm	100%
Balancing Trust DDA - Daily balance	Complete daily, with exception of first 2 business days	99%
Balancing Trust DDA - Exception Notification	Items outstanding over 24 hours are reported electronically	100%
Respond to all requests (e-mail, telephone, fax)	Resolve or update, originator of inquiry within one business day	100%

Trust Technology Support

Item	Timeliness	Target
New Development / Enhancements / Change Request		
Initial information meeting scheduled	Within 3Business days of receipt of a development request	100%
Complete evaluation within and a review meeting scheduled	Within 30 business days of receipt of a development request	100%
If the decision is to proceed, the project is scheduled	Within 15 business days of the decision date	100%
Business Critical Change Request		
Initial information meeting scheduled	Upon Receipt of change request	100%
Preliminary evaluation completed and a review meeting scheduled	Within 5 business days of the initial information meeting	100%
If the decision is to proceed, the project is scheduled	Within 1business day of the decision date	100%
Support		
Critical Support	Immediate upon problem notification	95%
Non-Critical Support	Within 1 business day of notification	95%
Extended Support	Within 3 business days of the original reporting date	100%



Item	Timeliness	Target
	(Extended Support will escalate within the support group from the previous 2 where no resolution could be found in 1 business day. A resolution or resolution plan will be developed)	

Trust Training

Item	Timeliness	Target
Training inquiries	Within 24 hrs of receipt of a request	97%
Provide concise, informative materials	At each training class	99.5%
Begin training classes promptly at scheduled times	At each training class	99%
Prevent foreseeable technical difficulties through thorough planning and preparation	At each training class	97%
Offer a training evaluation	At each training class	97%
Communicate quarterly training schedule to Trust Division	2 nd week before quarter-end for following quarter	97%
Communicate training survey to assess needs	2 nd week after quarter-end for previous quarter	97%

Consulting

Item	Timeliness	Target
Consulting inquiries	Within 24 hrs of receipt of a request	97%
Provide concise, informative overviews of the project to team members and management	At the beginning of each project	98%
Provide summary information of accomplishments	Within 1 business day of project completion	97%
Provide communication with management through regular departmental reports	Within 1 business day of completion of each project segment	99%



Administration

Item	Timeliness	Target
Transaction Processing	Posted the same day if received before 3:00 p.m.; Posted next Business Day if received after 3:00 p.m.	99%
Cash Receipts		99%
Cash Disbursements	Same day processing for requests received by 12:00 p.m. Next day processing for requests received after 12:00 p.m.	99%
Client Inquiries	Sundown Rule applies to telephone calls and e-mail messages.	
Telephone calls	Respond same day	99%; 100% day 2
E-mail messages	Respond same day	99%; 100% day 2
Letters	Same day acknowledgement	99%; 100% day 2
Problem Resolution	Respond with resolution or plan for resolution within 48 Hours	99%; 100% 72 hrs
Audit Requests	Respond with expected delivery date, resolution or plan for resolution with 24 Hours.	99%; 100% 72 hrs
Client Meetings		
Tier 1	Minimum 4 times per year	100%
Tier 2 and Tier 3	Semiannual minimum	100%
Tier 4 and Tier 5	Annual minimum	100%
Participant Call Center Availability	8:00 a.m. CT to 5:00 p.m. Monday through Friday except bank holidays	100%
Response Time	Same day if call received before 5:00 p.m.; Next business day if call received after 5:00 p.m.	100%



Appendix J, Public Sector Leaders

Several government agencies are focusing significant efforts on strategies for customer satisfaction. The United States Geological Survey (USGS), Veterans Benefits Association (VBA), Social Security Administration (SSA) and the Environmental Protection Agency (EPA) are among those agencies that have made a commitment to world-class customer satisfaction.

Case Study: United States Geological Survey¹

The USGS is the science agency within the Department of the Interior. USGS has devised an exemplary customer service strategy that includes a Customer Service Policy augmented by an annual Customer Service Plan. Among the goals USGS hopes to achieve are:

- USGS customers are satisfied with our products, information and services.
- USGS products are delivered to our customers in a timely and accurate manner.
- Customer needs are integrated into USGS program planning and product development.
- Products, services, and information provided by USGS to its customer make this a better world.

To mark progress, USGS publishes an annual customer service report that compares the year's performance against all of the identified goals and targets.

To further demonstrate its commitment to customer satisfaction, in 1997 the USGS created its *Customer Service and Research Team*. This team was charged with defining customer service from a bureau perspective, providing a future vision, identifying pilot projects for customer satisfaction surveys and customer service enhancements, and integrating customer service standards and measures into GPRA and strategic planning documents.

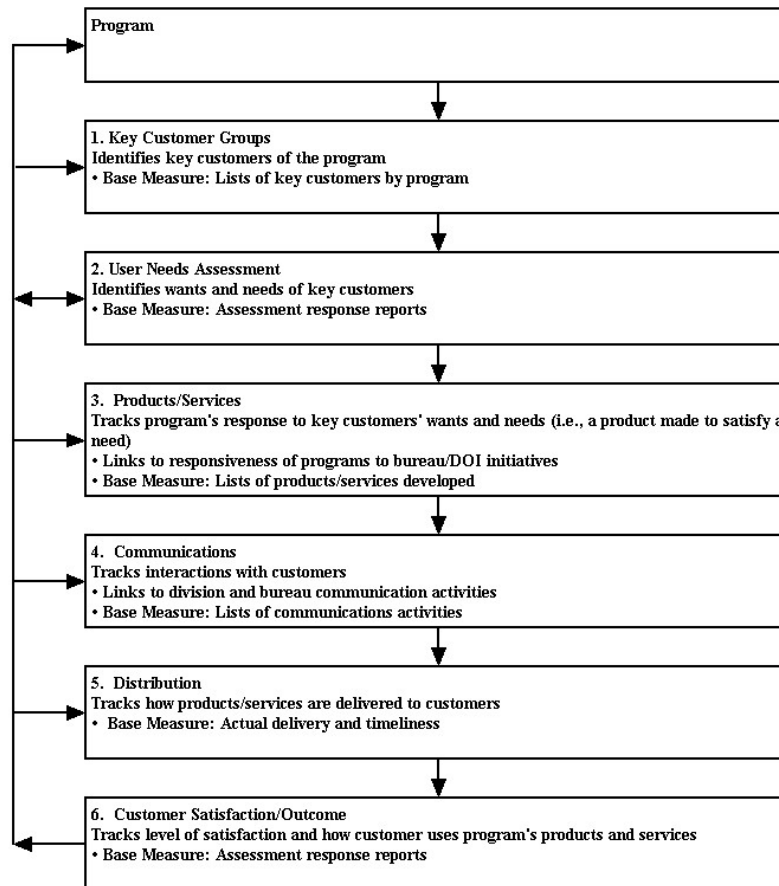
In 1998, USGS piloted the Customer Measurement Framework (CMF) Model to determine how to better capture, analyze, and apply customer data and feedback. The CMF consists of six steps designed to respond to customers:

1. **Identify key customers:** Who are they, and how can they be grouped?
2. **Assess customer requirements:** Qualitative and quantitative requirements obtained through written or telephone surveys, focus groups, and face-to-face discussions.
3. **Produce products/services in response to the customer's requirements:** Document actions taken to respond to customer requirements.
4. **Communicate about products/services:** Track methods used to obtain requirements from customers as well as their feedback on actions taken.
5. **Deliver products/services:** Track how new products/services are delivered to customers.
6. **Evaluate customer satisfaction with products/services:** Follow-up new initiatives with qualitative and quantitative customer research tools.

The six steps as well as the associated performance measure for each are depicted in the table below:

¹ Information in this section taken from USGS customer service web site, <http://www.usgs.gov/customer/>.

Customer Measurement Framework



In 1999, USGS obtained clearance from the Office of Management and Budget (OMB) to conduct customer surveys over a three-year period. The official OMB approval was for a “Three Year Program of Voluntary Customer Satisfaction Collections in Accordance with Executive Order 12862, ‘Setting Customer Service Standards,’ Within the U.S. Geological Survey.” This clearance allows USGS to conduct written customer surveys and focus group sessions without going through a lengthy approval process for each survey or session.

Other elements of the USGS customer service program have included a customer service recognition award program and the *Going the Extra Mile* award. The former is a means for organizations, teams, and individuals to be recognized as “heroes of customer service.” The award is non-monetary, and there are no limits to the number of nominees or awards given. USGS. The latter is also considered part of the customer service program, but awards employees for performing above and beyond their normal job duties. Award recipients can choose between a \$150 cash bonus and special parking privileges. There are no limits to the number of nominees or awards given.

Case Study: Veterans Benefits Association

The VBA services 3.2 million veterans and survivors through 57 regional offices, nine service delivery networks, five business lines, and \$25 billion in benefits payments annually. After strong



criticism in the late 1990's, the VBA sought to revolutionize customer service throughout the organization.² This resulted in the creation of a leading edge performance management system that uses a balanced scorecard. The scorecard measures performance in five key areas:

- Speed
- Accuracy
- Unit cost
- Customer satisfaction
- Employee development

Executive, management, and non-management employees are eligible for bonuses based on performance levels in each of the scorecard areas. Some organizations within VBA have chosen to use the bonus money to award teams while others recognize individuals. Scorecard results are made available via the VBA intranet to keep all employees informed of agency performance.³

Other initiatives making up the VBA program of customer service improvement are described below:

- **Establish customer service standards.** Performance levels were developed in the four service areas of Courtesy and Respect, Communication, Timeliness, and Responsiveness.⁴
- **Conduct customer satisfaction surveys.** VBA participates in the annual American Customer Satisfaction Index survey, and also conducts its own surveys where results are regularly posted on the VBA website.
- **Establish customer complaint processes.** The new processes allow customers to register complaints via the VBA web site. VBA plans to track and analyze complaints so that customer service can be improved in the areas where needed.
- **Improve telephone access.** VBA's toll-free customer service number was improved and expanded. A new system called the National Automated Response System was implemented that included pre-programmed informational messages and better call routing.
- **Improve employee training.** VBA will implement an IT system to track employee skills and training, develop general learning plans, deliver computer-based training, and generate training effectiveness measures. VBA is taking an advanced approach to computer-based training by developing training modules aimed at workgroups rather than individual employees. If one employee fails a module exam, the entire group must retake the course. New employee orientations are also required, and are conducted at VBA's academy in Baltimore, MD. The orientation includes meetings with VBA customers, not just VBA staff or trainers.
- **Provide training to veterans' organizations.** Frequently veteran claims are filed through non-profit organizations. VBA is providing training to these organizations on how to most accurately and effectively file and follow claims through the process.

² Ferris, Nancy, "Benefits Balancing Act," *Government Executive Magazine*, March 1, 2000.

³ Osborne, David, "Paying For Results," *Government Executive Magazine*, February 1, 2001.

⁴ Office of the Inspector General, "Evaluation of Veterans Benefits Administration's Implementation of Customer Service Standards," Report No.: 9R1-B18-127, June 30, 1999.



- **Establish a Data Management Office.** The purpose of the office is to improve the quality of VBA data and reporting. In 1998 the Inspector General found VBA was reporting a claims processing time of 128 days, but in actuality it was taking an average of 151 days to process claims. The Data Management Office will help to prevent such calculation and reporting errors.
- **Establish a new case monitoring system.** The new system, the Systematic Technical Accuracy Review (STAR), keeps better track of performance data and helps managers improve accuracy in claims processing.
- **Develop an electronic claims processing system.** The new system (called VetsNet) will automate much of the required paperwork, thus speeding up claims processing. For every veteran client, the VBA currently maintains 400 pages of paper files.

Since the implementation of its change program, the VBA has seen tremendous improvement in customer service. The VBA customer segment surveyed (recipients of death claims benefits) in the 2001 U.S. Federal Government customer satisfaction survey reported a 90% overall satisfaction rating. This is by far one of the highest ratings received by government agencies.

Case Study: Social Security Administration (SSA)

The Social Security Administration services 45 million Americans who receive Social Security benefits. According to Federal Computer Week, SSA is “planning to become the L.L. Bean of the Internet for senior citizens seeking information and online services...”⁵ In the 2001 U.S. Federal Government customer satisfaction survey, SSA’s survivor benefits customers reported an 86% overall satisfaction rating. This is one of the highest ratings received by government agencies.

Use of Technology

With the use of technology, SSA has made great strides in the area of customer service. While the majority of SSA’s beneficiary population is made up of senior citizens - one of the fastest growing segments of Internet user population - there are still millions who do not use computers at all. For this reason, SSA continues to provide services through traditional delivery channels (such as face-to-face and mail). In addition to these channels, they are making rapid progress in establishing electronic service delivery channels. SSA has piloted and implemented several web-based services that have been very well received. These new interactions include online requests for personal earnings statements and Social Security cards. Additional online services the SSA is preparing to offer include:

- Instant messaging
- Sending requests for medical evidence (related to disability claims)
- Filing medical claims
- Developing individual electronic folders
- Filing initial claims
- Expanding the retirement planner to compute survivor and disability benefits online.

⁵ Hasson, Judi, “An L.L. Bean for senior citizens,” *Federal Computer Week*, July 24, 2000.



Through direct deposit, SSA has made receiving benefit payments easier and less expensive for the Administration. SSA has heavily marketed direct deposit options, and will even set up Electronic Transfer Accounts or debit cards for those who do not have a bank account.

Market Measurement Program⁶

To develop a more coordinated, comprehensive program of collecting and analyzing customer data, in 1998 SSA approved the Market Measurement Program. Through improved data collection and analysis, SSA could better understand their market, which consists of customers, stakeholders, and employees. Components of the program are described below.

- Customers
 - Customer Segment Analysis. Focus groups for each of SSA's 10 core customer groups, followed by detailed surveys.
 - Interaction Tracking. Surveys to monitor customer satisfaction with telephone services (field office and 800 number), office visits, and the Internet. Surveys are conducted shortly after the service is provided.
 - Special Studies. When information on specific issues or new initiatives is needed, special focus groups and surveys are conducted. Between 1998 and 2000, more than 40 focus group projects were completed, involving about 3,000 customers.
 - Comment Cards. Comment cards are paper cards that customers complete immediately following a service, typically provided face-to-face or via telephone.
 - "Talking and Listening to Customers" (TLC) System. This new automated system was developed to capture and analyze customer complaints and compliments.
 - Best Practice Inventories. Internal SSA best practices are captured and posted on SSA's Intranet, allowing employees who work with the public to share with each other successful experiences and practices.
- Stakeholders

SSA considers stakeholders those groups who are interested in, or influence, SSA services. Stakeholders range from employers, advocacy groups, and taxpayers, to unions, management and employee associations, and oversight groups. SSA employs the following methods to obtain feedback from their stakeholders:

 - Face-to-face or telephone interviews
 - Focus groups
 - Presentations, discussions, meetings, forums, and "brown bag" lunches.
- Employees

As of 2000, SSA was in the process of evaluating the best way to survey employee satisfaction.

Lessons Learned

Through focus groups, surveys, and other components of the Market Measurement Program, SSA has identified several helpful findings and lessons learned in the area of beneficiary service.

⁶ Hasson, Judy.



These findings are summarized on the SSA website in an article titled “Gathering and Using Customer Information to Improve Service to the Public.” Findings include:

- “Telephone access and field office waiting times seem to have a major influence on how customers perceive satisfaction with all other aspects of service.”
- “Customers are more satisfied if the business they conduct is completed at the initial contact.”
- “...improving notice clarity provides one of the greatest opportunities for us to increase customer satisfaction.”
- “Although access and timeliness are important to customers, the ‘human factor’ is what means the most to customers.”
- “In rating service received in SSA field offices, customers are least satisfied with privacy and the amount of time they waited to be served.”⁷

Case Study: Environmental Protection Agency (EPA)

EPA’s Customer Service Program (CSP) is guided by EPA’s Six Principles of Customer Service. These principles are to be used by EPA employees when interacting with external and internal customers.

1. Be helpful! Listen to your customers.
2. Respond to all phone calls by the end of the following business day.
3. Respond to all correspondence within ten business days.
4. Make clear, timely, accurate information accessible.
5. Work collaboratively with partners to improve all products and services.
6. Involve customers and use their ideas and input.⁸

In addition, EPA has identified eight core processes through which most Agency products and services are delivered to external customers. For each process area, specific service standards have been set which must be met in addition to the Six Principles of Customer Service. The eight core processes and corresponding standards are the following:

⁷ Social Security, “Gathering and Using Customer Information to Improve Service to the Public,” Found at <http://ftp.ssa.gov/reports/customer>.

⁸ Taken from “Customer Service Standards of The United States Environmental Protection Agency,” <http://www.epa.gov/customerservice/standards.htm>.



EPA Core Processes and Performance Standards⁹

Core Process Area	Standards
Public Access (requests from the public for general information)	<ol style="list-style-type: none"> 1. “We will strive to make information available through a variety of channels, including electronic media and intermediaries, such as, community organizations and local libraries. 2. We will hold ourselves accountable for a satisfactory response by providing mechanisms (contact names and telephone numbers or e-mail addresses) for reporting back on the quality of our responses and referrals. 3. When customers write to us (via mail, fax or computer): We will mail a response within ten business days of receipt. If we need more time to research the answer, we will contact you within those ten days to tell you when to expect our response and who the contact person is. 4. When customer telephones us, we will: Provide an Agency-wide public information telephone line, which will help route inquiries. Answer the call promptly and courteously. Make every attempt to answer questions immediately. Where that is not possible, we will provide a timetable for responding during the initial conversation. 5. When customers contact us via computer: We will provide a single address for connection to all EPA resources on the Internet [http://www.epa.gov]. We will provide descriptions, including source and known quality, of data made available electronically.”
Research Grants	Four standards exist around the following areas: issuing requests for proposals, acknowledging receipt of proposals, administrative and legal reviews, and processing amendments.
Permitting	<ol style="list-style-type: none"> 1. “We will prepare permits that are clear, fair, appropriate, enforceable, and effective. 2. Our staff will be knowledgeable, responsive, cooperative, and available. 3. We will work with representatives of permitting authorities to continually improve permitting processes and services. 4. We will make our permit decisions within the time frame that is established for the type of permit being requested.”
Pesticides Regulation	Eight standards exist around the following areas: answering telephone calls (within 24 hours); answering correspondence (within 10 days); involving stakeholders in decision-making; disseminating information; processing applications; providing information on pesticides; involving States, Tribes, and EPA Regions in decision-making; surveying customers.
Partnership Programs	Eight standards exist around the following areas: treatment of customers; providing information; listening to customers; referring inquiries; responding to inquiries; providing alternate information channels; streamlining customer reporting requirements.
State, Tribal, and Local Program Grants	Four standards exist in the following areas: reducing paperwork; acknowledging receipt; awarding grants; consulting stakeholders.
Enforcement Inspections and Compliance Assistance	Seven standards exist in the following areas: assistance from field representatives; field representative knowledge; compliance inspector visits; compliance inspector knowledge; development of tools; involvement of stakeholders; information channels; compliance assistance centers; enforcement actions.

⁹ Taken from “Customer Service Standards of The United States Environmental Protection Agency,” <http://www.epa.gov/customerservice/standards.htm>.



Core Process Area	Standards
Rulemaking	<ol style="list-style-type: none">1. “We will ensure that customers have input into the rule development process by conducting public forums, or using electronic media or other forms of communication.2. We will write Principles so they can be understood by the people who use and implement them. Principles will be tailored to the legal and technical knowledge and resources available to those affected.3. We will include, in the preamble of all Federal Register notices accompanying a proposed or final rule, a plain English explanation summarizing the problem the rule is trying to solve, a summary of what the rule requires, and a short explanation of how the rule solves the problem.4. We will work to ensure that all members of the regulated community know what is expected of them. To the extent possible, we will work with trade association, the press and others to notify all known parties who must comply with the rule through written or electronic media.”

For each process area, EPA established process groups to develop and test the standards described above. The process groups were also responsible for implementing the standards throughout EPA.

Other elements of EPA’s Customer Service Program include:

- A Customer Service Steering Committee consisting of 26 members across EPA’s regions, offices, and other locations. The Committee sets policy for the Customer Service Program.
- Customer service Coordinators and teams designated in most regions to implement standards and conduct training in their region.
- An OMB clearance to conduct customer surveys and focus groups is in place (officially called a "generic" Customer Satisfaction Information Collection Request). This expedites clearance of specific surveys or focus group sessions to 10-15 days. The plan for 1998-2000 included over 900 surveys and 150 survey instruments.
- Five benchmarking studies have been conducted to identify best practices in the area of organizational change.
- An introductory customer service course titled, “Forging the Links” has been developed and implemented. Follow-up courses have also been developed.
- Complaint systems across the Agency are being studied to identify best practices for managing customer complaints.
- An employee rewards and recognition program is being developed specifically for the Customer Service Program.¹⁰

¹⁰ Customer service program elements taken from “EPA’s Customer Service Program,” <http://www.epa.gov/customerservice/csprogr.htm>.



Appendix K, Forestry Measures Collected

How many Approved Forest Management Plans are there in the Region?

How many additional Forest Management Plans are being worked on within the Region?

L.1.1.1 Compile Forest Management Plan Supporting Documentation

Elapsed time; how long does it take to compile the supporting documentation for a FMP?
Average Volume; how many FMPs are you compiling documentation for during the year?
This includes FTEs; what portion of an FTE or how many FTEs does compiling documents for FMPs consume during a year?
CFI Queue; How many compilations are waiting to be started or worked on?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.1.2 Develop Forest Use Alternatives

Elapsed time; how long does it take to develop the forest use alternatives for a FMP?
Average Volume; how many FMPs are you developing alternatives for during the year?
This includes FMP writeup FTEs; what portion of an FTE or how many FTEs does developing alternatives for FMPs consume during a year?
Queue; How many FMPs are waiting to have Alternatives developed?
Percent Rework; What percentage of the developed alternatives need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.1.3 Select Forest Use Alternative

Elapsed time; how long does it take to select the forest use alternatives for a FMP?
Average Volume; how many FMPs are in the "select alternative" phase during the year?
This includes NEPA work FTEs; what portion of an FTE or how many FTEs does selecting alternatives for FMPs consume during a year?
Queue; How many FMPs are waiting to have Alternatives selected?
Percent Rework; What percentage of the selected alternatives need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.1.4 Obtain Forest Management Plan Consent

(Award is the term for a Tribe/Allottee approved document. Approved is the term for subsequent DOI approval of the document).

Elapsed time; how long does it take to obtain FMP consent from the Tribe?
Average Volume; how many FMPs are in the "obtain Tribal consent" phase during the year?
FTEs; what portion of an FTE or how many FTEs does obtaining tribal consent for FMPs consume during a year?



Queue; How many FMPs are waiting to have Tribal consent?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.1.5 Obtain DOI Approval of Forest Management Plan

Elapsed time; how long does it take to obtain FMP approval?
Average Volume; how many FMPs are in the "obtain FMP approval" phase during the year?
FTEs; what portion of an FTE or how many FTEs does obtaining DOI approval for FMPs consume during a year?
Queue; How many FMPs are waiting to have DOI approval?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.1 Plan Forest Stand Use

How many tracts are planned for use in a year? (This would include all timber sales/permits, forest development projects, fuels projects etc. within the Region?)

Elapsed time; how long does it take to consider all of these tracks/stands for use per year?
Average Volume; How many tracts/stands are planned for use in a year?
FTEs; what portion of an FTE or how many FTEs does planning for tract/stand use consume in a year?
Queue; How many tracks/stands have yet to be evaluated for use this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.2 Evaluate Stand for Harvest

How many of the tracts in 1.2.1 (planned for) are evaluated for harvest in a year?

Elapsed time; how long does it take to determine that these tracts/stands are viable to use per year?
Average Volume; How many tracts/stands are determined to be used in a year?
FTEs; what portion of an FTE or how many FTEs does determining the tract/stand use, consume in a year?
Queue; How many tracks/stands have yet to be determined if they are viable for use this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.3 Obtain Consent to Contract Forest Stand Use

Elapsed time; how long does it take to obtain consent to use these tracts/stands?
Average Volume; How many tracts/stands need consent in a year?
FTEs; what portion of an FTE or how many FTEs does obtaining consent consume in a year?
Queue; For how many tracks/stands do you still have to get consent for use, this year?



Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.4 Evaluate Stand for Development needs

How many of the tracts in 1.2.1 are evaluated for Forest Development in a year?

Elapsed time; how long does it take to evaluate all of the tracts/stands for potential forest development work in a year?
Average Volume; How many tracts/stands are evaluated for forest development in a year?
FTEs; what portion of an FTE or how many FTEs does evaluating tracts/stands for forest development consume in a year?
Queue; How many tracts/stands still need to be evaluated for forest development this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.5 Evaluate Stand for Protection needs

How many of the tracts in 1.2.1 are evaluated for Forest Protection in a year?

Elapsed time; how long does it take to evaluate all of the tracts/stands for potential forest protection work in a year?
Average Volume; How many tracts/stands are evaluated for forest protection in a year?
FTEs; what portion of an FTE or how many FTEs does evaluating tracts/stands for forest protection consume in a year?
Queue; How many tracks/stands still need to be evaluated for forest protection this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.6 Advertise and Conduct Bidding

How many of the tracts in 1.2.2 end up going to bid in a year?

This Elapsed time; how long does it take to advertise and conduct bidding on all of the tracts/stands for which a sale is advertised in a year?
includes Average Volume; How many tracts/stands are advertised in a year?
Timber FTEs; what portion of an FTE or how many FTEs does advertising and conducting bidding
Sale prep consume in a year?
Queue; How many tracts/stands still need to be advertised this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.7 Perform Forest Development

How many of the tracts in 1.2.4 end up having forest development work done on them a year?



Elapsed time; how long does it take to perform all of the forest development work done in a year?
Average Volume; On how many tracts/stands is forest development performed in a year?
FTEs; what portion of an FTE or how many FTEs does performing forest development consume in a year?
Queue; How many tracks/stands still need to have forest development completed this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.8 Perform Forest Protection

How many of the tracts in 1.2.5 end up having forest protection, (including fuels) work done on them a year?

This Elapsed time; how long does it take to perform all of the forest protection work done in a year?
includes Average Volume; On how many tracts/stands is forest protection performed in a year?
Actual FTEs; what portion of an FTE or how many FTEs does performing forest protection consume in a
Fire year?
Suppres- Queue; How many tracks/stands still need to be evaluated for forest protection this year?
sion
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.2.9 Monitor Forest tracts/stands Not Under Contract

Elapsed time; how long does it take to monitor all of these tracks/stands per year?
Average Volume; On how many tracts/stands (not under contract-or planned for) is some activity required in a year?
FTEs; what portion of an FTE or how many FTEs does this activity (above) consume in a year?
Queue; How many tracks/stands do you expect to still have to monitor this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.1 Award Forestry Contract

Elapsed time; how long does it get beneficiary approval (award) on all Contracts per year?
Average Volume; How many contracts are awarded in a year?
FTEs; what portion of an FTE or how many FTEs does obtaining awards (all) consume in a year?
Queue; How many awards have yet to be obtained this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.2 Prepare Pre-Contract Billing

These are such things as Bid deposits, Performance Bonds, Advance Deposits/Payments, etc.

Elapsed time; how long does it take to prepare all pre-contract billings per year?



Average Volume; How many pre-contract billings are prepared in a year?
FTEs; what portion of an FTE or how many FTEs does preparing pre-contract billings consume in a year?
Queue; How many pre-contract billings still need to be prepared this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.3 Collect Pre-Contract Payments

Elapsed time; how long does it take to collect all pre-contract payments per year?
Average Volume; How many pre-contract payments are collected in a year?
FTEs; what portion of an FTE or how many FTEs does collecting pre-contract payments consume in a year?
Queue; How many pre-contract payments still need to be collected this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.4 Approve Forestry Contract

Elapsed time; how long does it take to get DOI approval on all contracts per year?
Average Volume; How many contracts are approved in a year?
FTEs; what portion of an FTE or how many FTEs does obtaining approval on all contracts consume in a year?
Queue; How many contracts are yet to be approved this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.5 Prepare Contract Operational Billing

Operational billings are billings after the contract/permit has been approved.

Elapsed time; how long does it take to prepare all contract billings per year?
Average Volume; How many contract billings are prepared in a year?
FTEs; what portion of an FTE or how many FTEs does preparing contract billings consume in a year?
Queue; How many contract billings still need to be prepared this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.6 Collection and Distribution of Operational Billings

Elapsed time; how long does it take to collect and distribute contract payments per year?
Average Volume; How many contract payments and distributions are made in a year?
FTEs; what portion of an FTE or how many FTEs does collecting and distributing contract payments consume in a year?



Queue; How many pre-contract payments still need to be collected this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.7 Modify Contract

Elapsed time; how long does it take to get contracts modified within the per year?
Average Volume; How many contracts are modified in a year?
FTEs; what portion of an FTE or how many FTEs does modifying contracts, (all) consume in a year?
Queue; How many contracts are yet to be modified this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.3.8 Direct Pay

Who has direct pay?

Are Forest Management Deductions sent to the BIA?

Has agreement w/ Tribe for Direct Pay, include written verification that all required deposits, payments, and disbursements have been made?

Elapsed time; how long does it take to collect direct pay per year?
Average Volume; How many pre-contract payments are collected in a year?
FTEs; what portion of an FTE or how many FTEs does collecting pre-contract payments consume in a year?
Queue; How many pre-contract payments still need to be collected this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.4.1 Monitor Forestry Compliance

Elapsed time; how long does it take to monitor all contract tracks/stands per year?
Average Volume; On how many tracts/stands is some monitoring activity required in a year?
FTEs; what portion of an FTE or how many FTEs does this activity (above) consume in a year?
Queue; How many tracks/stands still require monitoring this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?

L.1.4.2 Perform Forestry Enforcement

Elapsed time; how long does it take to perform enforcement in a year?
Average Volume; How many enforcement actions are taken in a year?
FTEs; what portion of an FTE or how many FTEs does enforcement consume in a year?
Queue; How many enforcement actions are yet to be closed this year?
Percent Rework; How often (what %) does this process need to be redone?
Capacity; How many could be done in the (entire) Region?



L.1.4.3 Close Forestry Contract

Elapsed time; how long does it take to close all of the contracts closed in a year?

Average Volume; How many contracts are closed in a year?

FTEs; what portion of an FTE or how many FTEs does closing contracts, (all) consume in a year?

Queue; How many contracts are yet to be closed this year?

Percent Rework; How often (what %) does this process need to be redone?

Capacity; How many could be done in the (entire) Region?



Appendix L, Cadastral Survey Measures Collected

BIA Survey Needs for FY2002 and Beyond

Prepared March 23, 2001 (revised 4/10/01)
(revised 2/17/02)

The following list of survey needs for Indian reservations and lands was compiled by personnel from BLM state offices in consultation with personnel from BIA Regional Offices. This list represents both ongoing survey projects and unfunded survey needs. In certain cases, the funds would be for an existing project office, but the majority is for either urgently needed surveys which have been on the request list for some time or projected needs based on knowledge of the survey status on reservations. The paradox for the latter is that the longer they are unfunded the more expensive it will to survey them due to the deterioration of the original GLO surveys and loss of evidence. In some states (particularly Arizona) much of the projected work is in areas having no previous surveys and will require original survey.

The aggregate total for all but Alaska of the BIA regional offices is \$59,037,302. Further long term estimated needs in the amount of an additional \$50,620,000 were identified in the states of AZ, MT, ND, SD, and WY. Listed below is the total for each regional office, with the pertinent BLM state office(s) listed under the regional office.

Eastern Region - \$2,119,269 total:

Eastern SO - \$2,119,269 for resurveys, acquisition surveys, and settlement claims located in Maine, North Carolina, Massachusetts, Connecticut, and New York.

Eastern Oklahoma Region - \$4,466,000 total:

New Mexico SO - \$4,466,000 for surveys on 9 reservations. The majority for allotted lands on the Osage and Chickasaw reservations.

Great Plains Region - \$3,816,000 total:

Montana SO - \$3,072,000 for requested projects and projected needs on 12 reservations in North and South Dakota. Many of these are large reservations and have had little or no cadastral survey activity for decades or more. (Additional projected needs represent \$15,296,000 and are not included in the total above. This amount represents only a portion of additional anticipated needs on those reservations in North and South Dakota.)

Wyoming SO - \$744,000 for projects on Winnebago, Omaha, and Santee reservations. (An additional \$4,230,000 has been identified as costs for resurveying 1400 miles on those three reservations. That amount has not been included in the total.)

Midwest Region - \$3,819,633 total:

Eastern SO - \$3,819,633 for requests from the White Earth, Nett Lake, Red Cliff, Lac Courte Oreilles, and Ontonagon reservations. Not included are surveys for 5 recently recognized tribes that may have survey needs associated with potential land bases.

Navajo Region - \$2,950,000 total:

Arizona SO - \$2,950,000 for projected work on the Navajo Reservation for FY 02-06.



Northwest Region - \$8,394,000 total:

Idaho SO - \$3,165,000 for survey and resurveys on 4 reservations in Idaho including almost 2,200 miles of survey on the Fort Hall, over 500 miles of survey on the Nez Perce and almost 800 miles of surveys on the Coeur d'Alene reservations.

Oregon SO - \$4,893,000 for surveys, resurveys, and GCDB services on 8 reservations in Washington and Oregon.

Montana SO - \$336,000 for requested on the Flathead Reservation. (An additional amount of \$1.26m is projected to address a portion of needs yet to be determined. This figure is not included in the total.)

Pacific Region - \$4,661,000 total:

California SO - \$4,661,00 for work on 20 reservations in California. The majority of the work identified here is on the Yurok reservation. Many needs are yet to be identified in the approximately 100 reservations in the state.

Rocky Mountain Region - \$5,229,000 total:

Montana SO - \$5,110,000 includes existing requests and projected boundary needs on 6 reservations in Montana. Numerous boundary identifications along rivers are needed on the Crow, Northern Cheyenne, and Ft. Peck reservations. (Additional projected needs of \$4,740,000 represent a small portion of the total number of sections on the reservations that need to be resurveyed for future management requirements. These additional needs are not reflected in the total.)

Wyoming SO - \$119,000 for projects on the Wind River Reservation. (Additional resurvey needs of 4,270 miles have been identified to replace stone monuments with modern monuments at a cost of \$12,800,000. This has not been included in totals.)

Southern Plains Region - \$1,802,500 total:

New Mexico SO - \$1,802,500 for surveys on numerous reservations in the region.

Southwest Region - \$7,239,500 total:

Colorado SO - \$1,071,000 for work on the Ute Mountain Ute and Southern Ute reservations.

New Mexico SO - \$6,168,500 for surveys on numerous reservations and pueblos. Approximately 50% of the work identified is on the Jicarilla Apache reservation.

Western Region - \$14,539,900 total:

Arizona SO - \$12,721,500 represents cost to survey 50% of unsurveyed miles on the White Mt. Apache, San Carlos Apache, Papago, Hualapai, and Havasupi reservations; also, to survey 100% of unsurveyed miles on the Kaibab reservation. (Additional costs of \$12,294,000 to complete the original surveys of the 5 reservations listed above are not included in the total.)

Idaho SO - \$215,000 for surveys on the Shoshone-Paiute Duck Valley reservation.

Nevada SO - \$1,260,000 for surveys on 9 reservations in Nevada. The majority of the work identified is on the Shoshone - Paiute and Washoe reservations.

Utah SO - \$343,900 for projects identified on the Northern Ute and Skull Valley reservations.



BIA Region	BLM State	Immediate Survey Costs	Immediate Survey Miles	Projected Survey Costs	Projected Survey Miles
Alaska	AK				
Eastern	ES	2,119,269	262		
Eastern Oklahoma	NM	4,466,000	1,276		
Great Plains	MT	3,072,000	743	15,296,000	4,357
	WY	744,000	256	4,230,000	1,400
Midwest	ES	3,819,633	913		
Navajo	AZ	2,950,000	2,950		
Northwest	ID	3,165,000	3,554		
	OR	4,893,000	2,473		
	MT	336,000	84	1,260,000	315
Pacific	CA	4,661,000	618		
Rocky Mountain	MT	5,110,000	1,292	4,740,000	1,185
	WY	119,000	43	12,800,000	4,270
Southern Plains	NM	1,802,500	515		
Southwest	CO	1,071,000	710		
	NM	6,168,500	1,393		
Western	AZ	12,721,500	8,503	12,294,000	8,218
	ID	215,000	125		
	NV	1,260,000	579		
	UT	343,000	154		
Total		\$59,037,302	26,443	\$50,620,000	19,745



CADASTRAL SURVEY FIELD PROJECTS PERFORMED FOR BIA

FISCAL YEAR 2002-Costs and Benefits

(*Costs and benefits are included in totals only when both items have been reported for an individual survey)

Arizona

Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
885	33N/13E	Tonalea	BIA/Hopi	66	4	0	122	75	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
887	30N/18E	Hard Rocks	BIA/Hopi	0	31	0	10	16	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
888	27N/16E	Burro Spgs	BIA/Hopi	28	44	0	21	37	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
889	27N/18E	Snake Butte	BIA/Hopi	1	22	0	1	9	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
890	27N/19E	Star Mtn	BIA/Hopi	32	42	0	38	44	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
891	27N/15E	Garces Mesa NE	BIA/Hopi	0	78	0	32	44	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands



Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
892	26N/15E	Garces Mesa SE	BIA/Hopi	0	84	0	57	56	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
893	26N/20E	First Mesa	BIA/Hopi	0	52	0	30	31	Infrastructure		Facilitate potential development of infrastructure on Indian Trust Lands
844	33N/31E	Wheatfields	BIA/Navajo	2	3	0	21	14	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
863	24N/30E	Oak Springs	BIA/Navajo	24	0	0	63	20	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
863	25N/22E	Greasewood	BIA/Navajo	0	6	0	13	7	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
863	25N/23E	Greasewood	BIA/Navajo	78	6	0	151	27	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
863	25N/24E	Greasewood	BIA/Navajo	54	14	0	123	28	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
863	26N/23E	Greasewood	BIA/Navajo	78	0	0	120	27	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands



Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
878	41N/9E	Antelope Point	BIA/Navajo	14	11	0	178	41	Boundary of Tribal lands to support marina		Facilitate potential development of infrastructure on Indian Trust Lands
880	23N/31E	Lupton	BIA/Navajo	0	24	0	2	27	Tribal & individual trust boundaries		Facilitate potential development of infrastructure on Indian Trust Lands
880	24N/31E	Oak Springs	BIA/Navajo	35	6	0	83	28	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
880	25N/30E	Oak Springs	BIA/Navajo	0	1	0	0	2	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
880	25N/31E	Hunters Point	BIA/Navajo	16	20	0	47	21	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
885	33N/13E	Red Lake	BIA/Navajo	18	0	0	29	5	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
886	23N/26E	Wide Ruins	BIA/Navajo	0	11	0	0	27	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
886	24N/26E	Klagetoh	BIA/Navajo	6	0	0	0	7	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands



Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
886	25N/26E	Klagetoh	BIA/Navajo	60	24	0	120	28	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
886	26N/26E	Granado	BIA/Navajo	51	21	0	103	34	Populated area-Monuments Needed		Facilitate potential development of infrastructure on Indian Trust Lands
Arizona Totals				641	504	0	1489	683			

California

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
1409	12N 16W MD 13N 16W MD	Manchester Rancheria	BIA Pacific Region		4	0	12	55	Suspected Trespass, Trees Cut	300	
1410	05S 04E SBM	Agua Caliente IR	BIA Pacific Region		28	0	47	49	Resurvey Completion & Monumentation	1500	
California Totals				32	0	59	104	1800			

Colorado

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
1307	T33NR2W,NMP M		BIA	0	0	76	114				
1138	T33NR9W,NMP M		BIA	0	0	1	1				



Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
1354	T32NR11W, NM PM		BIA	0	0	25	26				
941	T36SR21W, NM PM		BIA	0	0	57.5	69				
941	T36SR20W, NM PM		BIA	0	0	26.5	50				
Colorado Totals				0	0	186	260				

Eastern States

Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
13ME	Prentiss Township	Pass. IR	BIA	3				38	Identification of Trust Lands/Timber/ Minerals	1543	
14ME	Hammond Township	Pass. IR	BIA	3				36	Identification of Trust Lands/Timber/ Minerals	1000	
15ME	Alder Brook Township	Pass. IR	BIA		4	4	31	110	Identification of Trust Lands/Timber/ Minerals	580	
18ME	TA R7, WELS	Pass. IR	BIA		7	3	3	78	Identification of Trust Lands/Timber/ Minerals	154	
19ME	T3 R9, NWP	Pass. IR	BIA		6	2		64	Identification of Trust Lands/Timber/ Minerals	410	



Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
20ME	Albany Township	Pass. IR	BIA		1	2	13	35	Identification of Trust Lands/Timber/ Minerals	50	
156MN	T142N,R39W, 5th PM	White Earth IR	BIA		2	22		76	Identification of Trust Lands/Timber/ Minerals	500	
153WI	T39N,R8W, 4th PM	Lac Courte Oreilles IR	BIA			8	16	88	Identification of Trust Lands/Timber/ Minerals	650	
157WI	T39N,R7W, 4th PM	Lac Courte Oreilles IR	BIA			1		3	Identification of Trust Lands/Timber/ Minerals	510	
161WI	T40N,R6W, 4th PM	Lac Courte Oreilles IR	BIA		6	20	106	191	Identification of Trust Lands/Timber/ Minerals	384	
162WI	T40N,R8W, 4th PM	Lac Courte Oreilles IR	BIA		10			53	Identification of Trust Lands/Timber/ Minerals	520	
165WI	T52N,R4W, 4th PM	Red Cliff IR	BIA			1	10	12	Identification of Trust Lands/Timber/ Minerals	320	
166WI	T51N,R3W, 4th PM	Red Cliff IR	BIA		5		2	40	Identification of Trust Lands/Timber/ Minerals	300	
167WI	T51N,R5W, 4th PM	Red Cliff IR	BIA		5	12	14	140	Identification of Trust Lands/Timber/ Minerals	20	
Eastern Totals				6	46	75	195	964		6941	



Idaho

Group No.	T, R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
1045	T.32N., R. 4E. BM	Tribal Unit 71	Bia Nez Perce		2	2	0	4.8	Determine Line Bet Sec 6 & 7		
1107	T. 3S., R.36E. BM	Fort Hall Hiatus	Bia Fort Hall		37	37	26	26.5	Resolve Ownership In Hiatus		
1123	T.36N., R.4W. BM	Allot 182-T3103	Bia Nez Perce		16	16	13	70.5	Trust Allotment Bdy'S		
1127	T.46N., R.5W. BM	Rock Creek	Bia Coeur D'Alene		45	45	38	30.4	Coeur D'Alene I.R. Allotments		
1127	T.46N., R.6W. BM	Rock Creek	Bia Coeur D'Alene		6	6	1	2.6	Coeur D'Alene I.R. Allotments		
1129	T.36N., R.3W. BM	Allot 182-533	Bia Nez Perce		7	7	0	17	Trust Allotment Bdy'S		
1133	T.35N., R.4W. BM	Allot 182-267	Bia Nez Perce		14	14	0	34	Trust Allotment Bdy'S		
836	T. 3S., R.34E. BM	Blackfoot River	Bia Fort Hall		52	52	210	110	Bdy'S Along River		
837	T. 3S., R.35E. BM	Blackfoot River	Bia Fort Hall		1	1	66	28	Allotment & Reservation Bdy.		
848	T. 4S., R.34E. BM	West Bdy Problems	Bia Fort Hall		28	28	0	11.8	Fort Hall I.R.		
Idaho Totals				0	208	208	354	335.6			



Montana and Dakotas

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
956 MT	5S,31E, PM		BIA		8		10	11.7	Allotment bdy, accretions	20	
958 MT	5S,31E, PM		BIA		8		11	11.7	Allotment bdy, accretions	20	
962 MT	4S,32E, PM		BIA		11		24	10.5	Allotment bdy, accretions	40	
963 MT	4S,32E, PM		BIA		18		32	39	Allotment bdy, accretions	45	
955 MT	32N,11W, PM		BIA		10		50	24.3	Tribal Trust land bdys.	60	
959 MT	33N,11W, PM		BIA		12		61	29.7	Tribal Trust land bdys.	60	
968 MT	26N,45E, PM		BIA		7		6	15.2	Reestablish lost PLSS corners	20	
131 SD	37N,37W, 6TH	Sunrise Housing	BIA		5		14	18	Tribal Trust land bdys.	50	
132 SD	40N,41W, 6TH	Village of Kyle	BIA		6		31	12.8	Tribal Trust land bdys.	35	
133 SD	35N,45W, 6TH	Pine Ridge	BIA		18		37	33.2	Tribal/Individual Trust Bdys.	65	
134 SD	35N,44W, 6TH	Pine Ridge	BIA		3		8	8.3	Tribal/Individual Trust Bdys.	25	
MT/SD/ND	Total			0	106	0	284	214.4	440		



Nebraska

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
150	26N,9E,WRM		B/A	0	133	0	396		Resolve and Prevent Trespass		Indian Trust Land
151	26N,8E,WRM		B/A	0	20	0	76		Resolve and Prevent Trespass		Indian Trust Land
Nebraska Total				0	153	0	472				

New Mexico and Oklahoma

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
GP-78, OK	T3,4NR8E, IM	Kulihoma	Southern Plains, Anadarko	11	18		48	26	Define exterior Bdys of the Chickasaw Nation, Kulihoma Project Trust Lands for economic development	75	
GP-79, OK	T8NR14W, IM	Kooklawkoy	Southern Plains, Anadarko	7	8	1	11	3	Establish Bdy. Lines of lots along the Washita River for the Kiowa nation	50	
GP-62, OK	T7NR12W, IM	Anadarko	Southern Plains, Anadarko	5	16	9.5	43	43	Define Indian Allotments & Trust Lands, Determine position of Abandoned Chicago, Rock Island & Pacific RR--ROW	75	



Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
GP-62, OK	T7NR13W, 1M	Anadarko	Southern Plains, Anadarko	15.35	18.25	11.04	94	19	Define Indian Allotments & Trust Lands, Determine position of Abandoned Chicago, Rock Island & Pacific RR-ROW	100	
GP-62, OK	T7NR16W, 1M	Anadarko	Southern Plains, Anadarko	2.5	3	0.5	11	7.3	Define Indian Allotments & Trust Lands, Determine position of Abandoned Chicago, Rock Island & Pacific RR-ROW	50	
GP-62, OK	T7NR15W, 1M	Anadarko	Southern Plains, Anadarko	4.5	5.97	1.95	30	25.5	Define Indian Allotments & Trust Lands, Determine position of Abandoned Chicago, Rock Island & Pacific RR-ROW	75	
GP-89, OK	T2SR12W, 1M	Walters	Southern Plains, Anadarko	2	9	0	42	33	Establish Bdy. Lines of certain Tracts	40	
GP-90, OK	T9NR9E, 1M	Wetumka	Eastern OK, Muskogee	2	3	0	10	12.5	Identify Tribal Trust Lands	25	



Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
GP-91, OK	T17NR23E, IM	Eldon	Eastern OK, Muskogee	3	3	0	11	17	Resolve Bdy. Dispute between restricted Indian property & non-Indian Fee Owner	25	
GP-92, OK	T27NR24E, IM	Lost Creek	Eastern OK, Muskogee	1.25	1.5	0	8	19.5	Boundary dispute involving USA in Trust Lands for the Wyandotte Nation	25	
GP-88, OK	T10NR10E, IM	Thophlocco	Eastern OK, Muskogee	32.75	26	0	101	54	Identify Tribal Town Trust Lands	100	
GP-94, OK	T29NR22,23,24 E, IM	Quapaw	Eastern OK, Muskogee	10	28	0	168	105	Determine allotment Bdys. Of 36 Quapaw Allotments covered by"CHAT" to facilitate proposed "Chat sale"	500	
GP-62, OK	T18NR5E, IM	Anadarko	Southern Plains, Anadarko	3.25	21	9.5	49	9.5	Define Indian Allotments & Trust Lands, Determine position of Abandoned Missouri, Kansas & Texas RR & Atchison, Topeka & Santa Fe RR	75	
GP-72, OK	T25NR24E, IM	Seneca Allotment	Southern Plains, Anadarko	1.1	1	1.8	13	4.4	To partition a 40 acre Tract and issue new Trust Patent	25	



Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
GP-72, OK	T25NR24E, 1M	Grand Lake Take Line	Southern Plains, Anadarko	1.5	4.85	2.85	25	6.5	Identify Tribal Trust Lands	50	
GP-82, OK	T5SR15W, 1M	Kiowa	Southern Plains, Anadarko	2	2.75	16	0	16	Establish Property corners for fencing	25	
GP-96, OK	T14NR24E, 1M	Bunch	Eastern OK, Muskogee	3.5	1.5	1	12	16.5	Identify restricted allotment Bdy. Lines for possible trespass	25	
GP-991, NM	T19NR10E, NMMPM	Rancho Viejo	Southwest, Northern Pueblos	7.5	4	0	26	69	Identify Pueblo Lands	100	
GP-994, NM	Felipe Gutierrez or Town of Bernalillo Grant	Bernalillo	Southwest, Southern Pueblos	0	0	1.58	5	27	To settle a land dispute between Indian and Non-Indian	200	
GP-995, NM	T12NR4E, NMMPM	Pena Blanca	Southwest, Southern Pueblos	0	10	2.13	35	44.8	Land encroachments by Non-Indians	100	
GP-996, NM	T8NR6E, NMMPM	Isleta	Southwest, Southern Pueblos	15	1.5	12	40		Boundary dispute with Non-Indians	100	
GP-999, NM	T12NR3E, NMMPM	Sandia 1	Southwest, Southern Pueblos	8	2.06	38	47		Land encroachments by Non-Indians	75	
GP-1000, NM	T11NR3E, NMMPM	Sandia 2	Southwest, Southern Pueblos	4.1	8	39	48		Land encroachments by Non-Indians	75	



Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
GP-1001, NM	T15NR6E, NMPM	Santo Domingo 1	Southwest, 0 Southern Pueblos		20	10.5	20	56	Land encroachments by Non-Indians	1,500	
GP-1004, NM	T13NR3-4E, NMPM	Santa Ana 1	Southwest, 17 Southern Pueblos		27.5	7.5	113	63	Clarify the boundary between Rio Rancho Estates and the Pueblo of Santa Ana	100	
NM/Okla Total				138.2	259.42	88.41	964	812.5		3590	

Oregon

Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
1913	1 N., 34 E., Willamette	Cabbage Hill	BIA Umatilla		4		19	12	Allotment Identification	150	
1917	2 N., 36 E., Willamette	Meacham	BIA-Umatilla USFS-R6		0		52	23	Allotment & USFS Boundaries		Claimed FY01
1969	1 N., 34 E., Willamette	Poverty Flats	BIA Umatilla		9		31	10	Mark Boundaries for Fencing	100	
Oregon Total*				0	13	0	102	22		250	



Utah

Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
948	T04S,R05,USM	Indian Canyon	BIA, Ointah & Ouray IIR, UT		48		88	87	Boundary Identification of Native Trust lands & private Trespass	2,880	Boundary Identification of Native Trust lands & private Trespass
Utah Total				0	48	0	88	87	2,880		

Washington

Group No.	T., R., & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
502	24 N., 12 W. Williamette	Queets River	BIA-OPA			1.00	20	5	Timber sale & Riparian Boundary	10	
515	21&22 N., 13 W., Williamette	Taholah	BIA-OPA		1		19	5	Identify boundaries of Indian Village		Claimed FY01
532	21 N., 12 W., Williamette		BIA-OPA		6		1	30	Timber Sales, Riparian Zones		
535	19 N., 3 W., Williamette	Squaxin Island	BIA-OPA		15		0	50	Identify Lands being purchased	14,000	
WA Total*				0	22	1.00	40	55	14,010		



Wyoming

Group No.	T, R, & Meridian	Project Name	Agency/ Location	Original Survey Miles	Resurvey Miles	Special Survey Miles	Monuments	Cost (\$1000s)	Reason for Survey	Tangible Value (\$1000s)	Tangible Value Narrative
700	5N,5W,WRM		BIA	0	10	0	21		Prevent Trespass		Indian Trust Land
702	2S,1E,WRM		BIA	0	2	0	7		Resolve Ownership		Create New Parcel for Conveyance
702	1S,1W, WRM		BIA	0	2	0	7		Resolve Ownership Dispute		Create New Parcel for Conveyance
702	2N, 3E, WRM		BIA	0	6	0	9		Prevent Trespass		Allow future homeseite development
702	2N, 4E, WRM		BIA	0	5	0	17		Prevent Trespass		Indian Trust Land
702	1N, 4E, WRM		BIA	0	4	0	8		Prevent Trespass		Indian Trust Land
Wyoming Total				0	29	0	69				

Total Agency Cost Where Benefits Have Been Listed: \$2,258,900

Total Benefits Reported: \$29,911,000



Appendix M, Long-Term Leasing Metrics

Plan Land Use

Total Number of Tribal Residential Leases Planned per Year
Total Number of Allotted Residential Leases Planned per Year
Elapsed Time to Plan for Residential Leases per Year
Total Number of Tribal Commercial Leases Planned per Year
Total Number of Allotted Commercial Leases Planned per Year
Elapsed Time to Plan for Commercial Leases per Year

Conduct Long-Term Lease Application Process

Total Number of Tribal Residential Applications per Year
Elapsed Time to Support a Tribal Residential Lease Application
FTEs Supporting Tribal Residential Applications per Year
Total Number of Tribal Commercial Applications per Year
Elapsed Time to Support a Tribal Commercial Lease Application
FTEs for Tribal Commercial Applications per Year

Total Number of Allotted Residential Applications per Year
Elapsed Time to Support an Allotted Residential Lease Application
FTEs Supporting Allotted Residential Applications per Year
Total Number of Allotted Commercial Applications per Year
Elapsed Time to Support an Allotted Commercial Lease Application
FTEs Supporting Allotted Commercial Applications per Year

Obtain Landowner/Beneficiary Consent

Elapsed Time to Obtain Tribal Consent for Residential Lease
FTE Support to Obtain Tribal Consent for Residential Lease
Elapsed Time to Obtain Tribal Consent for Commercial Lease
FTE Support to Obtain Tribal Consent for Commercial Lease
Elapsed Time to Obtain Interest-Owner Consent for Residential Lease
FTE Support to Obtain Interest-Owner Consent for Residential Lease
Elapsed Time to Obtain Interest-Owner Consent for Commercial Lease
FTE Support to Obtain Interest-Owner Consent for Commercial Lease

Draft Long-Term Lease Terms

Elapsed Time to Draft Tribal Residential Lease Terms
FTE Support to Draft Tribal Residential Lease Terms
Elapsed Time to Draft Tribal Commercial Lease Terms



FTE Support to Draft Tribal Commercial Lease Terms

Elapsed Time to Draft Allotted Residential Lease Terms

FTE Support to Draft Allotted Residential Lease Terms

Elapsed Time to Draft Allotted Commercial Lease Terms

FTE Support to Draft Allotted Commercial Lease Terms

Negotiate Long-Term Lease

Total Number of Tribal Residential Leases Negotiated per Year

Elapsed Time to Negotiate a Tribal Residential Lease

FTE Support for Tribal Residential Leases Negotiated per Year

Total Number of Allotted Residential Leases Negotiated per Year

Elapsed Time to Negotiate an Allotted Residential Lease

FTE Support for Allotted Residential Leases Negotiated per Year

Total Number of Tribal Commercial Leases Negotiated per Year

Elapsed Time to Negotiate a Tribal Commercial Lease

FTE Support for Tribal Commercial Leases Negotiated per Year

Total Number of Allotted Commercial Leases Negotiated per Year

Elapsed Time to Negotiate an Allotted Commercial Lease

FTE Support for Allotted Commercial Leases Negotiated per Year

Conduct Long Term Lease Bid Process

Total Number of Tribal Commercial Lease Bids Conducted per Year

Elapsed Time to Conduct Bid Process for a Tribal Commercial Lease

FTE Support for Tribal Commercial Lease Bids per Year

Total Number of Allotted Commercial Lease Bids Conducted per Year

Elapsed Time to Conduct Bid Process for an Allotted Commercial Lease

FTE Support for Allotted Commercial Lease Bids per Year

Owner Use of Property With Permit

Total Number Allotted Residential Owner Leases per Year

FTE Support for Allotted Residential Owner Leases per Year

Total Number Allotted Commercial Owner Leases per Year

FTE Support for Allotted Commercial Owner Leases per Year

Total Number Tribal Enterprise Commercial Leases per Year

FTE Support for Tribal Enterprise Commercial Leases per Year

Award Use



Elapsed Time for Tribal Residential Lease Award per Year
FTE to Support Tribal Residential Lease Award per Year
Elapsed Time for Tribal Commercial Lease Award per Year
FTE to Support Tribal Commercial Lease Award per Year

Elapsed Time for Allotted Residential Lease Award per Year
FTE to Support Allotted Residential Lease Award per Year
Elapsed Time for Allotted Commercial Lease Award per Year
FTE to Support Allotted Commercial Lease Award per Year

Owner Use of Property Without Permit

Total Number Tribal Residential Assignments per Year
Total Number Tribal Commercial Uses per Year
Total Number Allotted Residential Uses Without Lease per Year
Total Number Allotted Commercial Uses Without Lease per Year
Total Number Sole Owner Uses per Year

Prepare Pre-Lease Billing

Total Number Tribal Residential Leases Requiring Pre-Lease Billing Per Year
Elapsed Time to Prepare Pre-Lease Billing for a Tribal Residential Lease
FTE Support for Tribal Residential Pre-Lease Billing Per Year
Total Number Tribal Commercial Leases Requiring Pre-Lease Billing Per Year
Elapsed Time to Prepare Pre-Lease Billing for a Tribal Commercial Lease
FTE Support for Tribal Commercial Pre-Lease Billing Per Year

Total Number Allotted Residential Leases Requiring Pre-Lease Billing Per Year
Elapsed Time to Prepare Pre-Lease Billing for an Allotted Residential Lease
FTE Support for Allotted Residential Pre-Lease Billing Per Year
Total Number Allotted Commercial Leases Requiring Pre-Lease Billing Per Year
Elapsed Time to Prepare Pre-Lease Billing for an Allotted Commercial Lease
FTE Support for Allotted Commercial Pre-Lease Billing Per Year

Collect Pre-Lease Payments

Total Number Tribal Residential Leases Requiring Pre-Lease Payments per Year
Elapsed Time to Collect Pre-Lease Payments for a Tribal Residential Lease
FTE Support for Tribal Residential Pre-Lease Collections per Year
Total Number Tribal Commercial Leases Requiring Pre-Lease Payments per Year
Elapsed Time to Collect Pre-Lease Payments for a Tribal Commercial Lease
FTE Support for Tribal Commercial Pre-Lease Collections per Year

Total Number Allotted Residential Leases Requiring Pre-Lease Payments per Year
Elapsed Time to Collect Pre-Lease Payments for an Allotted Residential Lease



FTE Support for Allotted Residential Pre-Lease Collections per Year
Total Number Allotted Commercial Leases Requiring Pre-Lease Payments per Year
Elapsed Time to Collect Pre-Lease Payments for an Allotted Commercial Lease
FTE Support for Allotted Commercial Pre-Lease Collections per Year

Approve (DOI) Long-Term Lease

Elapsed Time for Tribal Residential Lease Approval per Lease
FTE to Support Tribal Residential Lease Approval per Lease
Elapsed Time for Tribal Commercial Lease Approval per Lease
FTE to Support Tribal Commercial Lease Approval per Lease

Elapsed Time for Allotted Residential Lease Approval per Lease
FTE to Support Allotted Residential Lease Approval per Lease
Elapsed Time for Allotted Commercial Lease Approval per Lease
FTE to Support Allotted Commercial Lease Approval per Lease

Prepare Operational Billing

Total Number Tribal Residential Leases Requiring Operational Billing per Year
Elapsed Time to Prepare Operational Billing for a Tribal Residential Lease
FTE Support for Tribal Residential Operational Billing per Year
Total Number Tribal Commercial Leases Requiring Operational Billing per Year
Elapsed Time to Prepare Operational Billing for a Tribal Commercial Lease
FTE Support for Tribal Commercial Operational Billing per Year

Total Number Allotted Residential Leases Requiring Operational Billing per Year
Elapsed Time to Prepare Operational Billing for an Allotted Residential Lease
FTE Support for Allotted Residential Operational Billing per Year
Total Number Allotted Commercial Leases Requiring Operational Billing per Year
Elapsed Time to Prepare Operational Billing for an Allotted Commercial Lease
FTE Support for Allotted Commercial Operational Billing per Year

Collect Operational Payments

Total Number Tribal Residential Leases Requiring Operational Payments per Year
Elapsed Time to Collect Operational Payments for a Tribal Residential Lease
FTE Support for Tribal Residential Operational Collections per Year
Total Number Tribal Commercial Leases Requiring Operational Payments per Year
Elapsed Time to Collect Operational Payments for a Tribal Commercial Lease
FTE Support for Tribal Commercial Operational Collections per Year

Total Number Allotted Residential Leases Requiring Operational Payments per Year
Elapsed Time to Collect Operational Payments for an Allotted Residential Lease



FTE Support for Allotted Residential Operational Collections per Year
Total Number Allotted Commercial Leases Requiring Operational Payments per Year
Elapsed Time to Collect Operational Payments for an Allotted Commercial Lease
FTE Support for Allotted Commercial Operational Collections per Year

Direct Pay

Total Number Tribal Residential Leases With Direct Pay
Total Number Allotted Residential Leases With Direct Pay
Total Number Tribal Commercial Leases With Direct Pay
Total Number Allotted Commercial Leases With Direct Pay

Monitor Long-Term Lease Compliance

Total Number of Monitoring Activities per Year for Tribal Residential Leases
Elapsed Time to Perform Monitoring Activity for a Tribal Residential Lease
FTE Support for Monitoring Activities for Tribal Residential Leases per Year
Total Number of Monitoring Activities per Year for Tribal Commercial Leases
Elapsed Time to Perform Monitoring Activity for a Tribal Commercial Lease
FTE Support for Monitoring Activities for Tribal Commercial Leases per Year

Total Number of Monitoring Activities per Year for Allotted Residential Leases
Elapsed Time to Perform Monitoring Activity for an Allotted Residential Lease
FTE Support for Monitoring Activities for Allotted Residential Leases per Year
Total Number of Monitoring Activities per Year for Allotted Commercial Leases
Elapsed Time to Perform Monitoring Activity for an Allotted Commercial Lease
FTE Support for Monitoring Activities for Allotted Commercial Leases per Year

Perform Long-Term Lease Compliance

Total Number of Enforcement Activities per Year for Tribal Residential Leases
Elapsed Time to Perform Enforcement Activity for a Tribal Residential Lease
FTE Support for Enforcement Activities for Tribal Residential Leases per Year
Total Number of Enforcement Activities per Year for Tribal Commercial Leases
Elapsed Time to Perform Enforcement Activity for a Tribal Commercial Lease
FTE Support for Enforcement Activities for Tribal Commercial Leases per Year

Total Number of Enforcement Activities per Year for Allotted Residential Leases
Elapsed Time to Perform Enforcement Activity for an Allotted Residential Lease
FTE Support for Enforcement Activities for Allotted Residential Leases per Year
Total Number of Enforcement Activities per Year for Allotted Commercial Leases
Elapsed Time to Perform Enforcement Activity for an Allotted Commercial Lease
FTE Support for Enforcement Activities for Allotted Commercial Leases per Year



Modify Long-Term Lease

Total Number Tribal Residential Leases Modified per Year
Elapsed Time to Modify Tribal Residential Lease
FTE Support to Modify Tribal Residential Leases per Year
Total Number Tribal Commercial Leases Modified per Year
Elapsed Time to Modify Tribal Commercial Lease
FTE Support to Modify Tribal Commercial Leases per Year

Total Number Allotted Residential Leases Modified per Year
Elapsed Time to Modify Allotted Residential Lease
FTE Support to Modify Allotted Residential Leases per Year
Total Number Allotted Commercial Leases Modified per Year
Elapsed Time to Modify Allotted Commercial Lease
FTE Support to Modify Allotted Commercial Leases per Year

Close Long-Term Lease

Total Number Tribal Residential Leases Closed per Year
Elapsed Time to Close Tribal Residential Lease
FTE to Support Closing of Tribal Residential Lease
Total Number Tribal Commercial Leases Closed per Year
Elapsed Time to Close Tribal Commercial Lease
FTE to Support Closing of Tribal Commercial Lease

Total Number Allotted Residential Leases Closed per Year
Elapsed Time to Close Allotted Residential Lease
FTE to Support Closing of Allotted Residential Lease
Total Number Allotted Commercial Leases Closed per Year
Elapsed Time to Close Allotted Commercial Lease
FTE to Support Allotted Commercial Lease Approval per Lease