Agency Priority Goal | Action Plan | FY 22 – Q1 & Q2

Improve Tribal Land into Trust Processing

Goal Leader: Darryl LaCounte, Director, Bureau of Indian Affairs
Goal Overview

Goal statement

- Indian Affairs (IA) in coordination with the Office of the Solicitor (SOL) and the Bureau of Land Management (BLM) will reduce the amount of time required to process land into trust applications. By September 30, 2023, the coordination of IA, SOL, and BLM activities will reduce the average time of processing land into trust applications from 985 days to 365 days to better meet the principles and guidelines established in the Indian Reorganization Act and reaffirmed in the Indian Self-Determination and Education Assistance Act.

Problem to Be Solved

- Currently the process of managing submitted fee to trust applications with completed determinations exceeds 900 days.
- Develop better coordination between the Bureau of Indian Affairs (BIA), SOL, and BLM, to establish methods ensuring timely processing of fee to trust applications.

What Success Looks Like

- A more efficient process that facilitates timely acquisitions resulting in enhanced housing opportunities, capacity to enter leases, and ability to negotiate the use and sale of natural resources.
- Opportunities to conduct research and maximize the capacity for energy development on tribal lands.
### Goal target(s)

In the table below, please repeat the key metrics included in the goal statement (previous slide) that will be used to track progress.

*Please update this column each quarter.*

<table>
<thead>
<tr>
<th>Achievement statement</th>
<th>Key indicator</th>
<th>Quantify progress</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>By…</strong></td>
<td><strong>We will…</strong></td>
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<tr>
<td>September 30, 2023</td>
<td>Reduce the average time of processing land into trust applications from 985 days to 365 days to better meet the principles and guidelines established in the Indian Reorganization Act and reaffirmed in the Indian Self-Determination and Education Assistance Act.</td>
<td>Number of days to process land into trust applications</td>
<td>365</td>
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* Even qualitative targets! If the target is to achieve a qualitative outcome, quantify progress this way: 1=“Yes, we achieved it”, 0=“No, not yet”

** As of 10/1/2021
### Goal Team

**Goal Leader:** Darryl LaCounte, Director, Bureau of Indian Affairs

<table>
<thead>
<tr>
<th>Division of Real Estate (BIA)</th>
<th>Branch of Environmental and Cultural Resources National Policy Act (BIA)</th>
<th>Bureau of Land Management (BLM)</th>
<th>The Office of the Solicitor</th>
</tr>
</thead>
</table>
| • Carla Clark – Acting Division Chief, Division of Real Estate Services  
• Sandra Dietz - Realty Specialist  
• Naomi Corbine – Management Analyst | • B.J. Howerton – Division Chief, Environmental Services  
• Ira New Breast – Division Chief, Natural Resources | • Jacob Barowsky – Land Surveyor, Division of Lands, Realty and Cadastral | • Nicholas Ravotti – Attorney/Advisor (General) |
Goa! Strategies

• The Division of Real Estate Services (DRES) is working to revise the guidance for when a Legal Description Review (LDR) is required for Title Opinion Reviews. Currently, the Fee to Trust handbook directs that LDR’s are required when requesting a Preliminary Title Opinion (PTO). The new process would eliminate the requirement of the LDR for a PTO and consider it an action/objection to be resolved prior to issuing a decision, similar to how the Environmental requirement is met. This allows the PTO and LDR processing timeframes to run concurrently, reducing the overall processing time.

• DRES is currently working with the Bureau of Indian Land Surveyor (BILS) to establish a Pre-approved Agency or Tribal Official/Agent (POTOA) training program. POTOA’s will assist with Legal Description Reviews (LDR) and submit them to BILS for review and approval. Currently, there is not a training program established for staff to become POTOAs and new guidance establishes a BILS led training program for BIA staff.

• Currently there are 242 realty staff working in Real Estate Services. The pending caseload for Fee to Trust applications is 1134. ASIA implemented the Fee to Trust Strike Team in 2021 to assist with case movement, updating the regulations and handbook, in addition to other projects concerning Fee to Trust. The Strike Team detail was extended to May 2022, while full time positions at the Central office level are being developed. The full-time positions will continue the work of the Strike team and assist regions with working on Fee-to-Trust cases ensuring cases continue to be processed.
Goal Strategies

• DRES is working on implementing internal timeframes for requesting LDRs, PTOs, and Environmental Reviews. Currently, there is no timeframe required for BIA to request these (see average timeframes on next two slides) and the new guidance establishes that BIA will request an LDR, PTO, and Environmental Review within 13 calendar days of receipt of a complete application request.

• DRES is updating the Fee-to-Trust Handbook (last version was issued in 2016). Regulatory changes are still being incorporated, including many of the procedural guidance and timeframes identified in this goal strategy. DRES is working to develop a national training session to ensure all staff receive meaningful training on regulations, procedures and how to effectively and efficiently process and review Fee-to-Trust applications from receipt to completion.

• 52 IAM establishes timeframes for acknowledging, addressing incomplete applications and issuing notice of decisions for all Fee-to-Trust cases. DRES will develop internal reporting metrics and report on what timeframes are being met and which ones need to be addressed.

• DRES acknowledges that although policy can determine and set requirements for internal timeframes, environmental reviews are entirely dependent upon the capacity of Environmental Specialists to access the land. Some regions have extreme weather/patterns in nature that limit access to some areas. Even if the identified request was made timely, these reviews could take months until the property is accessible. DRES will work with Environmental Services to develop mitigation steps, to ensure the process is minimally affected by this outside factor.
This slide depicts the average days to complete the steps within the land into trust process.

LDR=Legal Description Review
PTO=Preliminary Title Opinion
Key indicators

- Baseline for Days to Completion was 985 for FY2021, reported from the Trust Asset and Accounting Management System (TAAMS) in November 2021. Q1 Average Days to Completion was 1007, Q2 Average Days to Completion was 966. Increase in Q1 processing could be due to staffing, seasonal holidays and leave and year end priorities.
- Although there is a visible setbacks, we can still see improvement and we are on track to meet our goal of 365 days to complete applications; and will continue to work on implementing timeframes and streamlining processes.

Average Number of Days from Receipt to Completion
## Key milestones

<table>
<thead>
<tr>
<th>Key Milestone</th>
<th>Milestone Due Date</th>
<th>Milestone Status</th>
<th>Change from last quarter</th>
<th>Owner</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Realty will provide all staff with Fee-to-Trust Handbook Training</td>
<td>Q3 2022</td>
<td>On track</td>
<td></td>
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<td>Realty will task staff with assisting regions with case movement</td>
<td>Q3 2022</td>
<td>On track</td>
<td></td>
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<tr>
<td>Realty will implement a process to streamline land description reviews</td>
<td>Q3 2022</td>
<td>On track</td>
<td></td>
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<tr>
<td>Realty will update the Fee-to-Trust handbook with internal timeframes and guidance</td>
<td>Q1 2023</td>
<td>On track</td>
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<tr>
<td>Realty will provide training program for staff to assist with internal legal description reviews for processing applications.</td>
<td>Q4 2022</td>
<td>On track</td>
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<tr>
<td>Realty will update the TAAMS system to be in line with regulatory updates, procedural updates and implemented timelines to allow for Completion of Land Description Reviews will be reduced from 166 days to 30 days</td>
<td>Q2 2023</td>
<td>On track</td>
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<tr>
<td>Completion of Solicitor opinions will be reduced from 188 days to 30 days</td>
<td>Q4 2023</td>
<td>On track</td>
<td></td>
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<tr>
<td>Requests for Land Descriptions Reviews, Solicitor Reviews and Environmental will be reduced from 100 days to 13 days.</td>
<td>Q4 2023</td>
<td>On track</td>
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As of December 31, 2021, the average number of days to process land into trust applications was 1007. As of March 31, 2022, the average number of days to process land into trust applications was 966. Although higher than the baseline in the first quarter, Indian Affairs is confident the September 30, 2023, target can still be met, with continued progress to reduce the average number of days, as evidenced by the reduction in the second quarter.

DRES has been reviewing present data and reporting metrics to ensure data is entered and reported accurately from TAAMS. DRES also developed several streamlining processes and is working to implement them expeditiously. DRES continues to make progress on implementing procedures for land description reviews and addressed areas where bottlenecks were occurring.

During Q1-2 Realty has worked on updating 151 regulations to implement timeframes and streamline the process. The regulations are currently set for Tribal consultation in Q3.

The Strike Team has implemented Phases I-2 of the TAAMS Fee to Trust project during Q1. Data calls were sent to BIA Regions to assist with providing accurate and complete reports, Phases 1 and 2 addressed data encoded for processing applications, requesting LDR’s, and acknowledging complete or incomplete applications. Phases III-IV of the project were implemented during Q2. Data calls were sent to Regions to address cases that are requesting environmental reviews, performing Initial inspections of the property, and requests for Preliminary Title Opinion to ensure cases were accurate and up to date. Strike Team members are also working on materials for a National Fee to Trust procedural training session, which will be provided during FY2022 to all BIA and tribal staff involved in processing Fee to Trust applications.

Strike Team recently worked on implementing a training for all staff processing applications to ensure they have skills in determining if legal descriptions are accurate as a part of application review. The staff is working with the BILS to implement training to all staff processing applications.
**Means used to verify and validate measured values:** DRES developed a Strike Team consisting of experienced Realty Staff that reviews and analyzes the data encoded into TAAMS. The Strike Team utilizes the data encoded into the TAAMS system and provides weekly reports to the Regions identifying all the pending cases, current status and compliance. The Strike Team also reviews each case in TAAMS and provides data calls to the Regions to ensure the cases are up to date and the data is accurate.

**Data Sources:** Each Fee-to-Trust application is encoded into the TAAMS system of record. DRES reports case processing from activities and tasks encoded that year for Fee-to-Trust. Average days are based on the dates entered in the task field in TAAMS, including the date the application was received, when requests are submitted to Departmental partners, and when required processes have been encoded complete.

**Level of accuracy required for the intended use of the data:** 52 IAM 12 requires that any action must be updated in TAAMS within 3 days of performing or completing the action. Reporting from TAAMS on outstanding requests requires that the cases are up to date according to this policy. Reports are pulled outside of the 3 days and the end of the reporting period to ensure that as much data as possible is being captured.

**Limitations to the data at the required level of accuracy:** Since data encoding is performed at the Agency/Regional level and not automated, it is still possible that, despite multiple quality and assurance reviews, the actual dates might vary from the encoded data due to human error.

**How the agency has compensated for such limitations if needed to reach the required level of accuracy:** In order to improve on the accuracy of the data encoded on the front end, DRES makes a concerted effort to improve Program Reviews annually and implement automation wherever possible. DRES provides weekly statistical reports on performance measures and reporting timeframes encoded into TAAMS.