

# TRUST MATTERS

Department of the Interior  
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for American Indians

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## Functions of the Fiduciary Trust Officer (FTO)

“Our function is to listen, respect, and talk to beneficiaries,” said FTO Jim Cordry, who works at the Rosebud Agency in South Dakota. Respect is a word that comes up often when talking with FTOs. Cecelia Henry, the FTO located at the Pima Agency, expanded that focus to include government employees when she noted, “We’re all here to do a job. There is so much work to do together, and we need to be respectful of each other.”

The FTOs were hired to be the primary points of contact, providing all the “behind the scenes” work so beneficiaries are not relayed from one office to another. Most of the 52 FTOs are co-located with Bureau of Indian Affairs agencies throughout Indian Country. The FTOs are specialists, hired for their expertise in trust matters.



FTO Diana Wuerth helps a beneficiary at an outreach in California.

So what does a day in the life of an FTO look like? It is as varied as the tribes with whom FTOs work.

For example, Deb Dumontier, the FTO at the Flathead Field Office, works with tribes who compact services. She works directly with tribal staffs, making sure the tribes have the tools they need and helping them succeed in their efforts.

Deb says, “You’ve got to be part of the team.” Supporting self-governance is gratifying and she knows she is fortunate to work with professional, dedicated people.

Donnie Smith’s work with the Osage Tribe includes the Osage mineral estate, a unique situation. He meets regularly with the three branches (executive, legislative and judicial) of the tribe and with the Osage Minerals Council chair and members. He also provides assistance to individual beneficiaries. He knows FTOs can help beneficiaries by working closely with the Bureau of Indian Affairs (BIA) and other government employees. He calls it “front-line resolution,” which gives realty and other specialists more time to stay focused on their jobs. As Dean Webb puts it, he has a firm belief that working closely with BIA is important since we’re “co-agencies” with the same bottom line—serving the beneficiaries. Dean, who works at the Crow Creek and Lower Brule Agencies, says, “It’s really all about helping someone each day.” And that’s what motivates Daniel Vis, an FTO in Northern Idaho. He finds receiving a thank you goes a long way in job satisfaction and inspires him to do more. His work has such variety and constant challenges that he is never bored!

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### Solving Fractionation

Special Trustee Ross Swimmer attended the Intertribal Monitoring Association (ITMA) meeting in April when fractionation was a major topic of discussion. ITMA is leading the process to address solutions to fractionation and will be reaching out to other organizations and tribes for participation.

The Special Trustee and staff noted the concern that twenty years from now, most of the land will be so fractionated that it will lose much of its productivity. Therefore, tribes are encouraged to become involved in the process.

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So how does the Trust Beneficiary Call Center (TBCC) fit into the work of an FTO? FTOs promote the TBCC. Cecelia Henry says she hands out TBCC information whenever her office does outreach. She wants beneficiaries to have the toll-free number 1-888-678-6836 as an additional source of information. The TBCC operates six days a week—Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to noon, Mountain Time.



Operators handle an average of 500 calls each day to the TBCC.

Deb Dumontier says she also provides three telephone numbers to beneficiaries: the tribe's, her number, and the TBCC number so beneficiaries can decide who to contact and when. She promotes the TBCC as another resource for beneficiaries. Dean Webb frames it this way: the TBCC can be used for quick facts and FTOs can help when there are more complex issues to be addressed.

Operators at the TBCC answer a wide variety of questions—over 90 percent of calls are resolved at the TBCC! The remaining calls are transferred to FTOs for follow-up. Those calls are tracked to ensure original callers receive timely responses.

The easy-to-use map on the OST website helps beneficiaries locate FTOs. Visit [www.doi.gov/ost](http://www.doi.gov/ost) and access the “Information for Individual Trust Beneficiaries” in the left hand navigation.

### *Checking in with the Trust Support Team*

The Trust Support team at OST consists of five people—Brady Luxon, Rochelle Lorenzo, Stanley Waquie, Daniel Lorenzo, and Marvin Waquiu. This team sends out mailings to Indian trust account holders. The mailings include quarterly statements to Individual Indian Money (IIM) account holders, monthly statements to Tribal accounts, semi-monthly checks for oil and gas royalties, and daily checks for prearranged disbursements to account holders.

In fiscal year 2007, the team sent out a total of 529,795 checks. Checks are printed onsite. The team accounts for every check using a Daily Disbursement Report to reconcile checks printed that day with the day's mailings. As one team member stated, “We take pride in what we do, always double checking our work.” The team's checks and balances include someone physically counting the envelopes that are processed. A machine also counts the envelopes that go out. The number of checks and envelopes are reconciled, as well as the number of statements.

In addition to checks, the team sends out advice notifications that alert account holders about deposits to their checking accounts. Team members also mail collection notices, which inform leaseholders how much they owe individual account holders.



There is pride but humility among the team members. “We impact people's lives directly. We know account holders depend on getting their checks in a timely manner,” explained the team leader, Brady Luxon (pictured).

### **Whereabouts Unknown Outreach**

OST is always looking for Individual Indian Money (IIM) account holders who don't have current contact information on file. OST refers to these account holders as Whereabouts Unknown (WAU). There have been several WAU outreach efforts in California, the state with the largest population of American Indians, according to the Census Bureau.

In February, OST's Pacific Region held outreach efforts in San Francisco/Oakland and in San Jose. OST partnered with the local Indian health clinic, California Indian Legal Services, local radio and newspapers, the University of California Berkeley, and nearby federal agencies to publicize the event. The outcome has been an increased volume of inquires to the regional office and the Trust Beneficiary Call Center.

Please call 1-888-678-6836, toll-free, if you have information or questions about a WAU. Confirmation of address changes will be forwarded to the account holder's new and old addresses.



## Reconnected to the Internet

Internet access is once again available to the Office of the Special Trustee for American Indians (OST). This means OST employees will be able to use the Internet to conduct business. At press time, internal IT personnel expect it will take about five to eight weeks to provide Internet access to all OST employees.

In December 2001, the judge in a class action lawsuit against the Department of the Interior, *Cobell et al., vs. Secretary of the Interior, et al.*, ordered that the Department cease its connectivity to the Internet due to perceived risks to trust information. Parts of the Department were permitted to reconnect in 2002. However, five offices that work closely with Indian trust data remained off the Internet. On May 14, 2008, Judge Robertson, the presiding judge in the case, vacated the consent order, thus allowing the reconnection to the Internet.

In addition to OST, the other offices that may resume access to the Internet are the Office of the Solicitor, the Bureau of Indian Affairs, the Office of Hearing and Appeals, and the Office of Historical Trust Accounting.

## Programs OST Contracts and Compacts

The Office of the Special Trustee for American Indians (OST) has two programs that may be contracted or compacted under Public Law 93-638: the Real Estate Appraisal Services Program and the Beneficiary Processes Program (BPP). If a tribe desires to assume operation of either of these programs, OST and the tribe negotiate the standards for operating the program. These standards are contained in separate Memoranda of Understanding (MOU). Once the MOU has been negotiated, it will be attached and incorporated into the Tribe's funding agreement.

For self-governance, two or more otherwise eligible tribes may agree to form an organization of Indian tribes, i.e. a "consortium," which would be responsible for operating the compacted programs for each of the tribes. It is always possible for a tribe to end its participation in all or portions of contracted or compacted programs, if it so desires. The federal government would then be responsible for operating the programs that the tribe, in an exercise of its sovereignty, has returned.

For more information, call 505-796-3169.

## Tribal Self-Governance Celebrates 20 Years

The 2008 Tribal Self-Governance Conference marked the 20th anniversary of Tribal Self-Governance. The theme for this year's conference was "Celebrating Excellence." The celebration took place at the Riviera Hotel and Casino in Las Vegas, Nevada, from April 27 to May 1, 2008.

The Conference represents one of the largest meetings of tribal government leadership in Indian Country. It provides a forum for representatives from Congress, the Administration and Self-Governance Tribes to share information and to engage in discussions that focus on policy and the implementation of Self-Governance within the Department of the Interior and the Department of Health and Human Services.

Ross Swimmer, Special Trustee for American Indians, participated in a panel discussion on the "Historical Perspective—Sharing the Self-Governance Experience" on Wednesday, April 30, 2008. Other speakers on this topic included:

- William G. Lavell, former Associate Solicitor of Indian Affairs and first Director of the Office of Self-Governance (deceased—showed excerpt from video entitled, "Where Eagles Fly"),
- William A. Sinclair, former Director of the Office of Self-Governance, and
- Kenneth Reinfeld, former Acting Director, Office of Self-Governance.

The moderators for this discussion included Cyndi Ferguson, Director of External Governmental Affairs, Jamestown S'Klallam Tribe, and Jerry Folsom, Self-Governance Coordinator, Lummi Indian Nation.

OST congratulates the Self-Governance Communication & Education Tribal Consortium, Self-Governance Communication and Education Staff, Office of Self-Governance, Indian Health Service and Department of the Interior on 20 years of excellence in Tribal Self-Governance.

## Oh, What a Night! Wow, What a Program—CFedS!

The second class of the Certified Federal Surveyor (CFedS) program attended their graduation ceremony in Spokane, Washington, on Saturday evening, March 8, 2008. This class, with 91 graduates, added to the 69 graduates of the first class makes a total of 160 of these specially trained surveyors available to assist you with your survey needs.

The CFedS program trains registered professional land surveyors in the federally accepted methods, orders, and procedures of surveying federal interest lands. Undertaken by state, tribal, and other licensed surveyors, the course—equivalent to a graduate level college course—is very demanding. It is taken online and via CD over a period of months and culminates in a rigorous six hour exam.

What standard of survey is enough for Indian lands? Federal survey standards are higher than state standards, and the Bureau of Land Management (BLM) federal authority surveys conducted through its Cadastral Survey Program meet the *strictest* federal qualifications. In fact, the BLM surveys are considered authoritative in a court of law, which is not the case for all surveys. However, a BLM federal authority survey is not always necessary. Now, surveyors with the CFedS certification can use the federal standards taught in the CFedS course to address the demand for quality surveys on federal lands.

The training program to certify professional licensed surveyors to address the unique survey requirements on federal trust lands was an outcome of the Fiduciary Trust Model (FTM), a plan approved by the Department of the Interior in August 2004. Arrangements for the CFedS training program started after approval of the FTM and the first CFedS class graduated in 2007.

The American Congress on Surveying and Mapping (ACSM), which is a partner with the federal govern-



ment in the CFedS program, offers enrollment into the CFedS program on their website. ACSM is a national organization that represents the majority of this country's registered professional land surveyors through state society affiliations with the National Society of Professional Surveyors.

The CFedS program has been very successful. Currently, there are CFedS graduates registered to work in 33 states. Another 370 students, from 45 states, are studying the CFedS coursework and plan to take the exam sometime in 2008. As more graduates of the program are available, they will help ensure the delivery of quality surveys to better protect trust assets.

“My office has been working with the Department's Bureau of Land Management and Bureau of Indian Affairs since the inception of this program,” said Special Trustee Ross Swimmer. “Now we need to get the word out to Tribes and individual Indians about the availability of these specially trained surveyors.”

If you haven't received the recently released video about the CFedS program, contact Ron Scherler at 602-906-5568 or [ron\\_scherler@blm.gov](mailto:ron_scherler@blm.gov) for your CD. Learn more about the CFedS program at [www.cfed.org](http://www.cfed.org).



**Survey Support** Do you need technical guidance on boundary issues related to land description reviews, resource management, or other survey needs?

Contact the BLM Indian Land Surveyor (BILS) in your area. These senior land surveyors, located in the BIA regions, are there to help answer your questions. Link to a list of BILS at the bottom of the Cadastral Survey page:

[www.blm.gov/wo/st/en/prog/more/cadastralsurvey/BLM\\_Indian\\_Land\\_Surveyor.html](http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/BLM_Indian_Land_Surveyor.html)