

II. Explanation of the Procedures for Collecting Trust Information

This part explains the procedures in section IV of part one of this notice. The numbered paragraphs correspond to the paragraph numbers in section IV of part one.

1. Alert Potential Third Parties of DOI's Efforts To Locate and Secure Possible Missing Indian Trust-Related Information, and Request Retention

OHTA expects to write letters, publish notices in the **Federal Register**, and take ads in local, regional, and national newspapers, Tribal publications, and trade and professional publications to alert potential third parties of the possible need for their Indian trust-related records. In the case of historical accounting, for example, the notices and ads will describe the historical accounting effort, and request individuals and organizations to inventory their records and notify OHTA if they believe they possess records relevant to income production on individual Indian or Tribal lands. Additionally, OHTA will make presentations to professional organizations as a means of making a direct request for assistance in locating relevant data. In those instances where a specific third party is a likely source of records, OHTA will approach the entity directly.

Further, another process to locate third-party data involves inserting informational notices into routine mailings administered by DOI agencies and non-DOI agencies (such as the U.S. Forest Service). This process would alert third parties directly and ask for their assistance in locating appropriate data. With the cooperation of elected officials, a similar mailing could be directed toward a larger audience by inserting informational notes into Congressional letters mailed to constituents.

2. Identify Information Needed

In order to secure relevant data, it is important to identify the information needs that exist. Searching for third-party data before knowing whether these data are necessary is neither efficient nor effective. The relevance and importance of third-party data will be determined by information gaps identified. Thus, it is important to know what information gaps exist and then develop an approach to fill those gaps.

For example, after consulting with five major accounting firms, OHTA has issued an *Accounting Standards Manual* that identifies key document types for accounting teams to use in

performing the historical accounting. At present, the *Manual* focuses on documents under Federal control. As the historical accounting progresses, the *Manual* is expected to be updated as more is learned about the types of documents available and the types of documents utilized over time. In those instances where OHTA is not able to use or locate federally held records to document a transaction, the manual will identify equivalent third-party data as a means to support the accounting.

Third-party data would likely reside with entities involved in the revenue stream or production activities associated with Indian trust resources, or with those parties that received the revenue. Analysis of these activities, as well as lines of communication associated with them, will help identify documents potentially held by third-party custodians. For example, data relevant to judgments are likely to be associated with court records. Searching pertinent court records may produce documents suitable for use in documenting transactions associated with judgment accounts.

A number of efforts have been initiated to address potential information gaps. The Office of Trust Records (OTR) has initiated a contract to index records in the OTR Albuquerque facilities and the Lee's Summit, Missouri, Federal Records Center. This effort will provide an assessment of records and record types in Federal custody and can be used to identify those that may have to be searched among third parties. In addition, several Bureaus within DOI, including Bureau of Indian Affairs, Minerals Management Service, U.S. Geological Survey, and the Bureau of Land Management will be asked to identify the types of records they have destroyed as part of an approved document retention/disposition plan, or accidentally. This survey will also provide information about records in Federal possession and those that could be searched and perhaps retrieved from third parties.

Gaps in available data will also be detected as OHTA undertakes the accounting effort. Analyses will verify account transactions with actual records. Transactions that cannot be corroborated will usually indicate the need to search for additional relevant data. Identification of data gaps through the reconciliation process is anticipated to result in specific and relevant data needs, and may require identifying and collecting records held by third parties.

3. Identify and Locate Records Held by Potential Third Parties

Once an information need has been identified and it has been confirmed that the necessary trust-related data are not under Federal control, the next step is to identify a potential source from an entity other than a Bureau within DOI, *i.e.*, a third party.

The number and range of potential third parties is extensive. State and county agency records may offer a number of data sources. For example, State revenue records usually contain data on both personal and business tax assessments and payments; County Clerk offices may have data to identify and confirm property ownership or property leases; Oil and Gas Commissions can have records on production rates, prices, and royalties; State and regional Geological Societies may possess information to help determine oil quality and production areas; State Agricultural Departments are likely to hold data about crop harvest, grazing, and dairy production; State Forestry Departments could have information relevant to timber production, timber harvest, and timber sales.

Private companies are also likely to have data to confirm lease payments, rights-of-way payments, and production data. Federal agencies other than DOI could have data on timber harvest, surface mine production, grazing, and recreational revenues. The U.S. General Accounting Office may have information relative to previous accountings, and the Department of the Treasury is likely to have records of cashed checks issued to, or on behalf of IIM account holders by the Federal Government. Financial institutions, colleges and universities, State and local historical societies, professional and business associations, and a variety of other entities may possess records that will be relevant to the historical accounting process.

Finally, it is very possible individual Indians and Tribes may possess records that can be used to supplement Federal records. As the accounting effort identifies a need to supplement available Federal records, the appropriate organization(s) will be identified and attempts made to secure copies of existing records.

4. Obtain Third-Party Data

Once a potential data need has been identified and a possible records source has been recognized, OHTA will undertake prudent action to contact the source, review available documents, and attempt to secure a copy of relevant