

Standing Order on Electronic Transmission for WELSA Proceedings¹

The General Rules governing the Office of Hearings and Appeals (OHA)² recognize that the OHA Director “may issue Standing Orders to convey current information to parties and the public. This includes . . . the OHA Standing Orders on Electronic Transmission to convey information related to electronic transmission, including filing and service.”³

This Standing Order provides the option for electronic transmission of documents in proceedings under the White Earth Reservation Land Settlement Act (WELSA) before OHA’s Departmental Cases Hearings Division (DCHD) or Interior Board of Indian Appeals (IBIA) using OHA’s new electronic filing and docket management system. That system is called Bison File & Serve (BFS), and it is now available for electronic filing, subject to Unit-specific requirements set forth in this Standing Order.

The Department has directed all Departmental bureaus and offices that appear before DCHD and IBIA to use BFS. For all other individuals and entities who appear before these OHA units, identified in this order as eFilers, this Standing Order authorizes—but does not require—the use of BFS in addition to other methods of filing and serving documents authorized in 43 C.F.R. part 4 or other applicable law.

As detailed below in Section II, new cases and appeals can be initiated in BFS starting on March 12, 2025. The WELSA Project Director may begin using BFS to transmit commencement materials for new cases to DCHD through BFS using the “Transmitting Documents to OHA as a DOI User” instructions set forth in the DOI User Guide. Appellants may file a Notice of Appeal of a WELSA decision with IBIA through BFS by following the instructions on “Initiating a New Case with OHA” set forth in the BFS User Guides. Cases pending on March 12, 2025, are not available for eFiling in BFS and documents in existing cases must continue to be filed using U.S. mail, commercial courier, or hand delivery.

What is BFS?

BFS enables users to electronically file (eFile) documents with DCHD and IBIA and to electronically serve documents on other users. For example, when the WELSA Project Director files a new case with DCHD, the Project Director may transmit the commencement materials to DCHD through BFS. When a new appeal is filed with IBIA, the appellant will be able to file it through BFS and select the WELSA Project Director and DCHD Administrative Law Judge that the appellant is required to serve. After a case is initiated with DCHD or IBIA, the WELSA Project Director and each eFiler who is registered with BFS and approved to join the case (e.g., as a party in interest in a DCHD case or as an interested party in an IBIA case) will be served

¹ This Standing Order supersedes all prior Standing Orders on Electronic Transmission issued by the OHA Director or individual OHA units applicable to proceedings under the White Earth Reservation Land Settlement Act. For provisions applicable to other proceedings, please see OHA’s Standing Order on Electronic Transmission.

² 43 C.F.R. part 4, subpart A.

³ 43 C.F.R. § 4.5(b).

automatically through a BFS notification when additional documents are filed electronically in that case. They will also be served electronically through a BFS notification when any orders or other documents are issued by OHA in that case. Only registered users have access to the cases they have initiated or joined. There is no public access through BFS to filings in this system.⁴

Filers who do not use BFS will file, serve, and receive documents outside of BFS. Also, an eFiler who uses BFS to eFile a document but is not joined to the case, such as a person seeking to become a party by filing a motion to intervene, will receive service of filings outside of BFS unless and until they are joined to the case. OHA units may send documents electronically by BFS email to persons or entities who have not been joined to a case.

Please note that this Standing Order only applies to the use of BFS and the electronic transmission of documents to DCHD or IBIA in WELSA proceedings; it does not apply to filings that are required to be made at another Departmental bureau or office. Please consult the bureau or office directly to ask whether they permit documents to be submitted electronically.

Section I of this Standing Order provides information about BFS that applies to both DCHD and IBIA, and Section II provides information that applies to individual Units (DCHD or IBIA). You may use the links below to navigate directly to the specific portions of the Standing Order.

[General Provisions for DCHD and IBIA](#)

[Departmental Cases Hearings Division \(DCHD\)](#)

[Interior Board of Indian Appeals \(IBIA\)](#)

The OHA Director may revoke or amend this order at any time. This order creates no vested rights in any person.

⁴ Automatic access to filings in cases before OHA is limited by Statement of Records Notice INTERIOR/OS-09 (80 FR 26291 (May 7, 2015); modification 86 FR 50156 (Sept. 7, 2021)) to individuals involved or otherwise identified in hearings and appeals proceedings. Any other individuals seeking access to filings in cases before OHA must comply with the Freedom of Information Act, 5 U.S.C. § 552, and the Department of the Interior's FOIA regulations, 43 CFR Part 2.

I. General Provisions for DCHD and IBIA

The provisions set out in this Subsection I apply to all electronic filings and transmissions made through BFS in proceedings before DCHD or IBIA under the WELSA statutory provisions and the implementing regulations at 43 C.F.R. §§ 4.350-4.357.

Acceptable Document Formats and File Size. BFS supports the following file types: PDF, DOC, DOX, and JPEG. Except for JPEG files, all non-PDF documents will be converted to PDF by the eFiling system, and all documents will be electronically stamped in the top right-hand corner of the first page with a date of submission. Documents may not be filed with BFS if they are locked or password protected. If the WELSA Project Director eFiles through BFS the data required by 43 C.F.R. § 4.351 to commence an heirship determination process (the commencement materials), it must be eFiled in PDF format.

eFiled case-initiating documents (the commencement materials or notice of appeal filed under 43 C.F.R. § 4.356(a)) must be smaller than 30 megabytes. All other eFiled documents must be smaller than 75 megabytes. If you need to file a document that is larger than the applicable limit, the document must be split into smaller parts. Please consult the BFS DOI User Guide or the BFS Non-DOI User Guide, as applicable, for further recommendations.

Additional technical details on eFiling are provided on OHA's website in our BFS User Guides.

Authority to Regulate eFiling. The OHA Director and any DCHD or IBIA judge may issue orders modifying these procedures for a specific filing or in a specific case, including requiring any document or all documents in a case to be filed or served using methods other than BFS, including non-electronic methods. The OHA Director and any DCHD or IBIA judge may order anyone who misuses BFS or fails to comply with the regulations and standing orders governing the use of BFS to cease eFiling.

eFilings with Confidential or Privileged Information. If you are eFiling a document that contains privileged and/or confidential information, you must consult the BFS eFiling Confidential or Privileged Documents Guide for instructions about how to do so properly. If an eFiler does not follow the procedures for limiting disclosure of confidential information under 43 C.F.R. § 4.31, or the procedures for filing privileged information under seal, then they risk exposing that information to other parties to the case.

eFilers bear the sole responsibility for ensuring that a filing is timely made and assume the risk of any technical problems that may prevent them from eFiling, unless those technical problems are solely attributable to a malfunction of BFS. Although BFS is designed to receive filings at any time, parties are strongly encouraged to file documents well before the filing deadline and during normal business hours in case they encounter technical problems. If an eFiler waits until after the close of business to try to eFile a document and encounters technical

problems, no one will be available to help you. If a party is unable to eFile a document because of their own technical problems (including, for example, problems with a user's internet service provider, hardware, or software), or because of their own failure to understand or follow our eFiling instructions, those problems will not excuse an untimely filing. If an eFiler—including those required to eFile—is unable to eFile a document because of such technical problems, they must use an alternate method to file that document on time. Sending a document by electronic means other than through BFS does not constitute timely electronic filing unless otherwise specified.

If an eFiler is prevented from timely eFiling a document solely by a BFS malfunction rather than their own technical problems, then the document will be deemed timely if the guidance in the DCHD and IBIA specific sections below is followed.

Reporting BFS Technical Problems. To report technical problems with BFS, please contact bfshelpdesk@oha.doi.gov or call 1-866-367-1272 and select option 7.

eFiling in Consolidated Cases. When filing a document in a consolidated case, the document must be filed in the consolidated parent case. Please consult the BFS DOI User Guide or the BFS Non-DOI User Guide, as applicable, for instructions.

Obligation to Keep BFS Email Address Current. eFilers are required to notify OHA of any change of email address. Failure to keep your BFS e-mail address current may result in failure to receive filings, orders, or decisions. This obligation is additional to the requirement in 43 C.F.R. § 4.22 to keep your mailing address current.

Official Business. BFS may only be used for official agency business. Unauthorized attempts to use BFS are strictly prohibited and may be subject to criminal prosecution, as appropriate. We take precautions to maintain the security, confidentiality, and integrity of the information that we collect on BFS, including various security technologies. OHA may revoke eFiling privileges for improper use.

Personally Identifiable or Confidential Business Information. eFilers should not file documents through BFS that contain personally identifiable information (PII) or confidential business information (CBI) that is not relevant to the matter at issue. eFilers bear sole responsibility for redacting any such PII or CBI contained in the documents they file. PII includes an individual's name in combination with one or more of the following: date and/or place of birth; Social Security number; mother's maiden name; driver's license number, passport number, or other government issued unique identification number (including tribal enrollment or identification number); financial account number; credit or debit card number; the names of minor children; and biometric data. If a number that is PII must be included in a document (for example, a Social Security number), only the last four digits should be used. While the presiding judge relies upon certain types of PII, such as birth dates and the names of minor children and other individuals, to determine the heirs of decedents, eFilers should not file documents through BFS that contain PII or CBI that is not essential to determining the heirs of a decedent.

eFilers bear sole responsibility for redacting any such non-essential PII or CBI contained in the documents they file.

If an eFiler believes that they must eFile a document that contains unredacted PII or CBI and seeks to maintain the confidentiality that applies to that document, that document must be filed under seal. For a detailed explanation of how to eFile documents under seal, please refer to the BFS eFiling Confidential or Privileged Documents Guide on the OHA website.

Service of eFilings; Consent to Electronic Service. Bureaus and Offices of the Department of the Interior are deemed to consent to electronic service of eFiled documents through BFS. Copies of case-initiating filings (e.g., Notices of Appeal, Requests for Hearing) may be served at the time an eFiler initiates a matter in BFS by selecting the appropriate Bureau or Office from the drop-down menus on the eFiler case page. Service of case-initiating documents on Bureaus or Offices selected by an eFiler from the drop-down menus on the eFiler case page will occur automatically by a BFS system-generated email.

When a case initiating document is eFiled through BFS, BFS will send all Departmental bureaus and offices that the initiating party selected for service an email notification attaching the case initiating documents (except those eFiled under claim of confidentiality or privilege). Thereafter, when any other document is eFiled through BFS, BFS will send to all other BFS users who were joined to the case in some capacity an email notification without any attachments. These email notices constitute formal service and delivery of the eFiled documents. eFilers must ensure that emails from BFS are not blocked by “spam” filters and should designate FD-GCM-Support@micropact.com as an approved sender in their email software. eFilers are also responsible for monitoring case activity regularly through the BFS website to ensure that they have received all case-related documents.

When service of a document is required to be made on any person or entity that is not registered with BFS or is registered with BFS but has not been joined to the case in some capacity (such as service of a response to a motion to intervene on the person or entity who filed the motion), the eFiler must serve a paper copy of that document on that person or entity in compliance with the relevant regulations.

If any non-DOI person or entity who did not initiate the case wishes to be served eFilings for a case electronically through BFS, they must (1) register with BFS, (2) request through BFS to join the case in some capacity (for example, as a party in interest), and (3) be allowed by the OHA unit to join the case. An external person who registers with BFS consents to electronic service of eFilings using BFS and agrees that this service fulfills all regulatory obligations for the service of filed documents.

If a Departmental bureau or office wishes to be represented in the case, the representative must register with BFS and request through BFS to join the case. Once a bureau or office representative is joined, service on the bureau or office will be through the

representative. The OHA unit may also elect for BFS to continue issuing notices of eFilings to the bureau or office.

Signatures. Electronic documents filed by an eFiler are deemed to be signed by the eFiler for the purposes of any regulation that requires a signature and bind the signatory as if the document was physically signed and filed.

Transmission of OHA-Issued Documents; Consent to Electronic Transmission. Consent to receive service of decisions, orders, and documents through BFS is required to register as an eFiler. When DCHD or IBLA issues an order, decision, or other document through BFS, BFS will send an email notification to all persons and entities who initiated or have been joined to the case. That email notice constitutes formal transmission and delivery of the OHA-issued document. eFilers must ensure that emails from BFS are not blocked by “spam” filters and should designate FD-GCM-Support@micropact.com as an approved sender in their e-mail software. eFilers are also responsible for monitoring case activity regularly through the BFS website to ensure that they have received all case-related documents.

When transmission of an OHA-issued order or other document is required to be made on a person or entity that is not registered with BFS or is registered with BFS but has not been joined to the case in some capacity (such as transmittal of an order for clarification regarding a motion by the person or entity to intervene), OHA units may send that document by paper or electronically by BFS email.

Bureaus and Offices of the Department of the Interior are deemed to consent to receiving OHA-issued orders or other documents by electronic transmission using BFS.

If an external person wishes to receive OHA-issued orders or other documents for a case electronically through BFS, they must (1) register with BFS, (2) request through BFS to join the case as a party or amicus curiae, and (3) be allowed by OHA to join the case.

II. Provisions Specific to DCHD and IBIA

The additional provisions set out here in Section II apply to the specific OHA units listed below.

Departmental Cases Hearings Division (DCHD)

New Case Filings. Beginning March 12, 2025, the WELSA Project Director's office may transmit commencement materials for new cases to DCHD via BFS. By no later than May 12, 2025, the commencement materials for all new WELSA cases should be transmitted to DCHD using BFS, unless the WELSA Project Director receives permission from DCHD to transmit new cases using an alternative method.

On March 12, 2025, DCHD will also begin accepting eFiled documents through BFS for new WELSA cases. We encourage all parties to use BFS to file and serve documents. Directions for using BFS and answers to Frequently Asked Questions can be found in the BFS User Guides and on OHA's web page at: <https://www.doi.gov/oha/bfs/support>.

If an eFiler is prevented from timely eFiling a document with DCHD due to a BFS malfunction, then the document may be filed by email. An eFiler should document the BFS malfunction providing the BFS Helpdesk (bfshelpdesk@ohadoi.gov) with a screenshot or a photo of any error messages and email the document to DCHD (dchd@oha.doi.gov) by 11:59:59 p.m. Mountain Time on the due date. eFilers bear sole responsibility for redacting any PII or CBI contained in documents filed by email.

Cases Pending on March 12, 2025. WELSA cases pending before DCHD on March 12, 2025, will not be available for eFiling in BFS. In these cases, parties must continue to file documents with the presiding judge using U.S. mail, commercial courier, or hand delivery at the following address: Departmental Cases Hearings Division, 351 S. West Temple, Room 6.300, Salt Lake City, UT 84101.

Other Methods of Filing and Service. Although parties are encouraged to eFile using BFS in new cases starting on March 12, 2025, interested parties may continue to file documents using U.S. mail, commercial courier, or hand delivery. Any document filed in a WELSA proceeding pending before DCHD must be delivered to the presiding judge at the following address: Departmental Cases Hearings Division, 351 S. West Temple, Room 6.300, Salt Lake City, UT 84101. The WELSA Project Director's office is expected to transmit commencement materials in all new cases electronically via BFS by no later than May 1, 2025, unless permission has been received from OHA to file using an alternative method.

Interior Board of Indian Appeals (IBIA)

This subsection contains provisions governing WELSA proceedings before the IBIA.

Filing a Notice of Appeal During a BFS Malfunction. If an eFiler is prevented from timely eFiling a notice of appeal solely by a BFS malfunction rather than their own technical problems, then the notice of appeal may be filed by email if and only if all of the following criteria are met:

- (1) the eFiler documents the BFS malfunction by providing the BFS Helpdesk (bfs-helpdesk@oha.doi.gov) a screenshot or a photo of any error messages they encounter and we confirm that timely eFiling was prevented by the malfunction; and
- (2) the eFiler emails the case initiating document to the IBIA at ibia@oha.doi.gov by 11:59:59 p.m. Eastern Time on the due date.

Record Required from Project Director. In WELSA appeals within the scope of 43 C.F.R. § 4.356, the record required from the Project Director under § 4.356(c) may be transmitted to the IBIA either through BFS or non-electronically. If the record is transmitted through BFS, the entire record must be uploaded using the option for eFiling privileged documents to ensure that the record is protected from inadvertent disclosure. Please consult Appendix 3 of the DOI User Guide for further instructions.

Each individual electronic file that is uploaded into BFS will appear in the docket card as a separate docket entry. To keep the docket card streamlined, the record should be uploaded in as few separate electronic files (i.e., parts) as possible. The maximum file size for each electronic file is 75 MB, which should allow most records to be uploaded as one electronic file. Records that are transmitted through BFS must be Bates stamped. Please consult the DOI User Guide for further recommendations on the format of the record.

So ordered.

Janet Lin
Director, Office of Hearings and Appeals

TERMS AND CONDITIONS FOR USE OF BISON FILE AND SERVE

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF HEARINGS AND APPEALS

To register for an account with Bison File and Serve (BFS), the Office of Hearings and Appeals' (OHA) electronic filing (eFiling) system, you must accept and adhere to the terms and conditions of use listed below. Failure to accept and adhere to these terms and conditions could result in denial of access to BFS.

Terms and Conditions of Use

By registering for electronic filing with BFS, the User must

1. Provide accurate and complete information during the account registration process.
2. Keep all registration information current. The User is responsible for notifying OHA of any change in record address.
3. Use BFS only for legitimate case-related purposes. Any improper use may result in the revocation of eFiling privileges.
4. Be responsible for the security and use of the User's login information. Any eFiling or other interaction with BFS using a registered user's ID and password is deemed to be made by that User or with that User's express authorization.
5. Immediately notify OHA of any breach of the user's security, including any use of a User ID and password by an individual not expressly authorized to do so by the User.
6. Refrain from using any software that collects, intercepts, or otherwise mines information or content from BFS.
7. Ensure that the document to be filed has been screened for viruses and malware and is free of all viruses and malware prior to submission.