

REQUEST FOR RECORDS DISPOSITION AUTHORITY		LEAVE BLANK (NARA use only)	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <i>NI-75-04-03</i>	
1. FROM (Agency or establishment) U. S. Department of the Interior		Date Received 9/30/2003	
2. MAJOR SUB-DIVISION Bureau of Indian Affairs		NOTIFICATION TO AGENCY in accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUB-DIVISION Office of Trust Responsibilities			
4. NAME OF PERSON WITH WHOM TO CONFER Terry Verdin			
5. TELEPHONE (202) 208-5831		DATE 11-21-03	ARCHIVIST OF THE UNITED STATES <i>John W. Paul</i>
6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>19</u> page(s) are not needed now for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE 9/16/03	SIGNATURE OF AGENCY REPRESENTATIVE <i>Ethel J. Abeita</i>		TITLE Director, Office of Trust Records
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	Please See Attached. This schedule covers the 4500, Natural Resources (Range Management).		
SIGNATURE OF DIRECTOR <i>Terrance L. Verdin</i> BUREAU OF INDIAN AFFAIRS		DATE 9/18/03	

16 BIAM (1989 Version)		16 BIAM (2003 Version)	
SERIES	TITLE	SERIES	TITLE
4500 Series (Range)			
4501-P5	Natural Resource Management Plans	4501	Natural Resource Management Plan (Revised)
4502-P5	Range Unit Case Files	4502	Indian Land Permit (Revised)
4503-T0	Range and Wildlife Maps (Duplicates)	4503	Range and Wildlife Maps (Revised)
4504-P5	Range Survey Files	4504	Range Survey (Revised)
4505-T5F	Grazing Permit Bid Files	4505	Reserved - Refer to 4502
4506-P5F	Grazing Permit Case Files	4506	Reserved - Refer to 4502
4507-P5	Range Reports	4507	Range Reports (Revised)
4508-P3	Range and Wildlife Maps Files	4508	Range and Wildlife Maps (Revised)
4509-T3F	Agricultural Extension Case Files	4509	Agricultural Extension Program (Revised)
4510-T3F	Area Office Annual Extension Reports	4510	Extension Reports (Revised)
4511-P3	Rehabilitation Case Files	4511	Rehabilitation Program (Revised)
4512-P3	Water Rights Case Files	4512	Rights Protection Program - Unresolved Claims (Revised)
4513a-P5	Hopi Partitioned Land Case Files-Paper copies	4513	Hopi Partitioned Land Case File (Revised)
4514a-P5	Hopi Partitioned Land Files-Paper copies	4514	Hopi Partitioned Land File (Revised)
4515-P3	Herd Management	4515	Herd Management (Revised)
Unsched		4516	Endangered Species (New)
Unsched		4517	Fish and Wildlife Program (New)
Unsched		4518	Range Management (New)

REVISÉD 16 BIAM (2003)

4500 Series

NATURAL RESOURCES
(RANGE MANAGEMENT)

(Updates to the 16 BIAM dated July 12, 1989)

4501 Natural Resources Management Plan

Contents: Includes, but not limited to, the following records: scope of work; budget; studies; surveys; tests; assessments; field notes; audits; analyses; statements; evaluations; consultations; results; periodic plans and reports on land conservation; utilization and management; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by planning fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of planning period. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4502 Indian Land Permit

Contents: Include, but not limited to, the following records:

Pre-decision: advertisement, bid proposals, bid list/abstract of bids, bond authority to grant privileges on allotted land, authority document for restricted land or land without secure clear legal title, statements of competition, approval officer reports, environmental assessment (EA), notice of availability, finding of no significant impact (FONSI), biological assessment (BA), archaeology and cultural surveys, endangered and threatened species, wetland surveys and reconnaissance, layouts and designs, logging and road plans, performance bond documents, fee property road access agreements, grazing land accountability records, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Decision: permit, modifications, statement and certificate of award, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Post-decision: operation reports, inspection reports, specific data and resulting reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Accounting: payment receipts, public refund voucher, county treasurer deposits/receipts, historical transactions listings, journal vouchers, bill of collections, intra-bureau transaction forms, transmittal forms (work tickets), DAM non-trust deposits, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and correspondence.

Filing Arrangement: Numerical by permit

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when permit is cancelled, expired, or revoked. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

RECORDS SUBJECT TO THE PRIVACY ACT – 5 USC 552B.

4503 Range and Wildlife Maps (Duplicates)

Contents: Include, but not limited to, the following records: prints of individual reservation forest and forage areas, range unit maps, blueprints, black and white prints, linen copies of allotment plat books, manuscripts or annotated materials, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by tribe

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when superseded or obsolete. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4504 Range Survey

Contents: Include, but not limited to, the following records: surveys, tests, assessments, field notes, analyses, statements, evaluations, consultations, results, reports, special studies for range grazing potential, range maps relating to the area, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by reservation

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when survey studies are completed. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4505 Grazing Permit Bid Files

Refer to 4502 – Indian Land Permit

RESERVED

4506 Grazing Permit Case Files

Refer to 4502 – Indian Land Permit

RESERVED

4507 Range Reports

Contents: Include, but not limited to, the following records: periodic and special agency reports on phases of range and wildlife operations, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Chronological by reporting fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of reporting period. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4508 Range and Wildlife Maps

Contents: include, but not limited to, the following records: prints of individual reservation forest and forage areas, range unit maps, blueprints, black and white prints, linen copies of allotment plat books, manuscripts or annotated materials, and one copy (record set) of each version, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by tribe

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when superseded or obsolete. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4509 Agricultural Extension Program

Contents: Include, but not limited to, the following records: scope of work; budget; studies; surveys; assessments; audits; analyses; statements; evaluations; consultations; accomplishment reports; extension projects; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4510 Extension Reports

Contents: Include, but not limited to, the following records: monthly, periodic, and annual consolidated reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Chronological by reporting fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of reporting period. Maintain in office of record for a maximum of 5 years after cut off; and then refile to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4511

Rehabilitation Program

Contents: include, but not limited to, the following records: scope of work; budget; studies; surveys; assessments; audits; analyses; statements; evaluations; consultations; reports; rehabilitation plans and projects for mining, range, agriculture, land and soil erosion; water development; restocking of fish and wildlife; noxious weed eradication; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off, and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4512

Rights Protection Program (Unresolved Claims)

Contents: include, but not limited to, the following claims records (three major categories – trespass, contract, and title): grazing, utility, road, railroad, agricultural, recover land fee patent-cancel, recover land patented as swamp land, recover title-force fee patent, removal of mineral resource, uranium contamination, non-rental payment, unpaid lease rental, breach of contract, fence encroachment, building encroachment, flood damage, inundation flood seepage, unauthorized silt deposit, wrongful land sale, wrongful occupancy of land and structure, and water rights; claims; claim resolutions; legislative activities; technical studies; supporting documentation; and related correspondence.

Filing Arrangement: Alphabetical by claim type

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which claim is resolved or rejected. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

4513

Hopi Partitioned Land Case File

Contents: Include, but not limited to, the following records: personal data, census enumerations, livestock inventories, surveys, reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by resident name

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of reporting period. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

RECORDS SUBJECT TO THE PRIVACY ACT – 5 USC 552B.

4514 Hopi Partitioned Land Survey

Contents: Include, but not limited to, the following records: surveys, assessments, field notes, reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by land tract

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when survey is completed. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

RECORDS SUBJECT TO THE PRIVACY ACT – 5 USC 552B.

4515 Herd Management Program

Contents: Include, but not limited to, the following records: scope of work; budget; studies; surveys; assessments; audits; statements; evaluations; consultations; reports; range, habitat, and wildlife surveys; inventories; statistical data for related environmentally sensitive issues; restrictions for wildlife native to region; legal proceeding documentation effecting a location; project records involving restocking, sale, and hunting; analysis and results; reports; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off, and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

(New Item)

4516 Endangered Species Program

Contents: Include, but not limited to, the following records: scope of work; budget; studies; surveys; assessments; audits; analyses; statements; evaluations; consultations; reports; range, habitat, and wildlife surveys; inventories; statistical data for related environmentally sensitive issues; records on restrictions for wildlife native to region; legal proceeding documentation effecting a location; projects requiring budgets; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

(New Item)
4517 Fish and Wildlife Program

Contents: Include, but not limited to, the following records: scope of work; studies; surveys; assessments; audits; analyses; statements; evaluations; consultations; results; reports; project budgets; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

(New Item)
4518 Range Management Program

Contents: Include, but not limited to, the following records: scope of work; budget; assessments; audits; analyses; statements; evaluations; consultations; results; reports; grazing land accountability documents; surveys; inventories; studies; restrictions for wildlife native to region; legal proceeding documentation effecting a location; project records; requests and responses concerning program information from tribes, federal and state agencies, local governments, private organizations, and individuals; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by program fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when program initiative is completed or terminated. Maintain in office of record for a maximum of 5 years after cut off; and then retire to records center. Transfer to the National Archives of the United States in accordance with the signed Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.



National Archives and Records Administration

CENTRAL PLAINS REGION
2312 EAST BANNISTER ROAD
KANSAS CITY, MISSOURI 64131

Date : October 31, 2003
Reply to
Attn of : Barbara Byers, NRE-K
Subject : Appraisal of NARA Job No. N1-75-04-3
To : Director, NMWL

The United States Department of the Interior, Office of Special Trustee for American Indians (OST), Office of Trust Records (OTR) submits NARA Job Number N1-75-04-3, to provide revised disposition authorization for those records that are created by the Natural Resources function (records series 4500) of the Bureau of Indian Affairs (BIA).

The Natural Resources *Request for Records Disposition Authorization* (SF115) is the third in a series of six records schedules that have been submitted to the National Archives and Records Administration (NARA) by OTR to request disposition authorization for textual Trust-related records. The additional records schedules received to date are: N1-075-04-1, Environmental Quality Services (records series 4300); N1-075-04-2, Forestry and Fire (records series 4400); N1-075-04-4, Real Estate Services and Land, Title and Records Office (LTRO, records series 4600); N1-075-04-5, Roads and Transportation (records series 4700); and N1-075-04-6, Irrigation and Power (records series 4900). These records schedules will completely supersede the disposition authorities for the related records that were approved by NARA on September 15, 1977, as NARA Job No. NC1-075-77-1, and on July 30, 1990, as NARA Job No. N1-075-89-1. In addition, the new records schedules will supersede all disposition authorities for these records that are listed in BIA records manuals, including but not limited to 43BIAM, 15 BIAM, 16BIAM, RCS96, and RCS98.

Background

Against the backdrop of the *Cobell, et al. v. Norton, et al.* Indian trust litigation pending in the U.S. District Court for the District of Columbia, and the resulting *Cobell Fiduciary Obligation Compliance Plan* of January 6, 2003, the Department of the Interior (DOI) entered into a Memorandum of Understanding (MOU) with the National Archives and Records Administration (NARA), dated September 12, 2003. The purpose of the MOU is to provide a centralized storage facility, referred to as the *American Indian Records Repository*, for BIA, OST, and other DOI fiduciary trust records at NARA's Federal Records Center (FRC) in Lenexa, Kansas. This agreement is expected to result in the consolidation of approximately 200,000 cubic feet of BIA, OST, and related DOI textual records created and presently maintained at DOI as well as in

NARA's Lee's Summit facility. The textual records that are appraised as having historical value will be retained as permanent records on a long-term basis at the Lenexa facility.

NARA has been providing extensive advice and guidance to the Office of Trust Records and to the Assistant Secretary to the Department of the Interior on the development of records schedules for BIA records in textual and electronic media. This project has been on going since fiscal year 2000, during which time NARA has reviewed and provided comments on pre-submission sets of draft schedules for 13 components of electronic systems of the BIA and for the 4000 series of records in textual format. In keeping with the timetable of the Compliance Plan, these records schedules were submitted to NARA in final in September and October of 2003 for appraisal and approval.

In accordance with the Compliance Plan and the *Order Issuing Structural Injunction in Cobell*, dated September 25, 2003, the following timetable is now in effect: by December 31, 2003, defendant DOI is to establish and implement revised records retention schedules for non-electronic Trust records for BIA and OST, and by March 31, 2004, DOI is to establish and implement revised records retention schedules for electronic Trust records for BIA and OST, as described in the Compliance Plan.

OTR submitted on September 15, 2003, six records schedules to provide disposition authorization for electronic records in Trust-related systems. The electronic records will be appraised in separate records appraisal memoranda and will provide permanent disposition authorization for 13 electronic systems and subsystems.

History

In an earlier opinion in the *Cobell* litigation, the district court set out at some length the history of interactions between the U.S. government and Indian tribes. *See Cobell v. Norton*, 91 F.Supp.2d 1, 7-12 (D.D.C. 1999), *affirmed and remanded*, *Cobell v. Norton*, 240 F.3d 1081 (D.C. Cir. 2001). A brief synopsis of the Court's more extended discussion is included below to provide the larger historical context behind the recommendation to deem permanent in nature portions of DOI's present record holdings pertaining or sufficiently related to Indian and tribal trust records.

In 1824, the Bureau of Indian Affairs (BIA) was created to implement the policy of the relocation of tribal communities from their homelands in the East and Midwest to land in the newly acquired Louisiana Purchase territory. For most of the Nineteenth Century, the Federal government entered into a series of treaties and agreements identifying the lands owned by the tribes. By the late 1870s, the Federal government had embarked upon an era during which the BIA became the provider of foods, goods, and services to the tribes.

In 1887, Congress passed the General Allotment Act, also known as the Dawes Act. The Dawes Act authorized the division of any Indian reservation into separate plots, and assigns the portions to individual tribal members, according to a prescribed formula. The head of a family was allotted a one-fourth section, or 160 acres; each single person over eighteen and each orphan child under eighteen was allotted a one-eighth section, or 80 acres; and each

non-orphan child under eighteen was allotted a one-sixteenth section, or 40 acres. The lands that were not allotted to Indian individuals were then opened to non-Indian settlement. The Federal government held allotted land in Trust for individual Indians for a period of 25 years. After the 25 years had passed, the Government could convey full title to the land to the Indian to whom the land had been allotted or it could extend the 25-year period at its discretion. Indians could not lease, sell, or burden their property without the approval of the Federal government.

With the enactment of the Indian Reorganization Act of 1934, the Federal government ended the allotment era and authorized the Secretary of the Interior to acquire land and place it in Trust for the tribes and for individual Indians. This Act also indefinitely extended the Trust period for the allotments that had already been made. As a result of the allotment process and the indefinite extension of the Trust period, the United States presently holds approximately eleven million acres of land in Trust for the heirs of the American Indians to whom they were originally allotted.

In the early 1950s, the Government withdrew recognition of the existence of certain tribes and forswore any responsibility to those tribes or their people as Indians. The tribal assets were either administered by a corporate entity or distributed among the tribal members. The termination policy ended quickly and after the 1960s, no further tribes were terminated. The end of the termination policy brought about the onset of the modern era of Indian policy: self-determination and self-governance. The enactment in 1975 of the Indian Self-Determination and Education Assistance Act (Public Law 93-638 and amendments) permits tribes to assume any of the functions BIA carries out on the reservation. Tribes may also assume those functions performed by Office of Trust Fund Management (OTFM) with regard to IIM Trust accounts, through a contract or compact with Interior. Under the Self-Determination Act, if BIA contracts with a tribe to allow that tribe to perform a function, the financial resources that BIA would use in providing that service, including the overhead, are transferred to the tribe. In essence, these funds, which represent almost seventy percent of BIA's budget, pass through BIA to the tribes.

In the 1980s, the Office of Management and Budget (OMB) placed the financial management of Indian Trust funds as a high-risk liability to the United States. Prompted in large part by the findings of a 1992 OMB report entitled "*Misplaced Trust*," Congress in 1994 enacted the Indian Trust Fund Management Reform Act, P.L.103-412 ("the 1994 Act"). Congress has designated the Secretary of the Interior and the Secretary of the Treasury to be the Trustee-delegates of the United States, and the departments run by these two cabinet secretaries are entrusted with certain Trust management responsibilities. The Trust responsibilities of the Treasury Department are to maintain and invest IIM funds, under the direction of the Interior Department, and to provide accounting and financial management services. The United States has entrusted most of its Trust obligations, however, to the Department of the Interior. Within the Interior Department, several agencies perform particular IIM Trust functions. These agencies include BIA, the Bureau of Land Management (BLM), the Office of Trust Funds Management (OTFM), and the Minerals Management Service (MMS).

On June 10, 1996, the named plaintiffs in *Cobell* commenced their present action against the Secretary of the Interior and other Federal officials, alleging that the mismanagement of the IIM

Trust by the Interior and Treasury departments constituted a breach of their fiduciary duty to plaintiffs. The United States District Court for the District of Columbia certified the action as a class action on February 4, 1997, and designated the named plaintiffs as class representatives for all present and former IIM beneficiaries. On May 5, 1998, the Court bifurcated this action into two distinct phases. The Court describes the phases in this manner: Phase I of the litigation, also known as the "fixing the system" phase, focuses on the reforms instigated by defendants to bring the management of the IIM Trust into compliance with their fiduciary obligations. This phase is forward-looking, in that it attempts to discern whether defendants have reformed the management of the IIM Trust in such a way as to ensure that the United States will honor its fiduciary obligations to the Indian beneficiaries in the future. On September 25, 2003, the Court issued its latest opinion on this phase of the case (Mem. Op. "Fixing the System"), as well as the above-referenced *Order Issuing Structural Injunction*.

The Court has yet to hear testimony with respect to the Phase II portion of *Cobell*, also known as the "historical accounting phase," which will focus on the performance of a formal accounting of the IIM Trust, as required by the 1994 Act. This phase is backward looking, in that it attempts to discern to what extent the United States has honored its fiduciary obligations to the Indian beneficiaries who make up the *Cobell* class, from the inception of the Trust until the present date. The Court also issued an Opinion dated September 25, 2003, regarding "Historical Accounting." In the latter opinion and accompanying *Order Issuing Structural Injunction*, the Court set out various deadlines through calendar year 2007 for DOI to comply with carrying out a final accounting.

Records Appraisal

This appraisal covers records in the 4500 series, covering Natural Resources (previously titled "Range Management") program records. The proposed records schedule provides for the permanent retention of 18 series of records. Samples of most 4500 series were examined at the NARA, Lee's Summit Federal Records Center facility on September 10 - 11, 2003. The sample of records reviewed was dated from 1938 -1995. The resources records reviewed include documents relating to the accountability of the agency for managing and granting resources, as well as, land usage privileges on allotted and trust lands. Contents also include: allotted land use case files; grazing case files; grazing permits and contracts; printouts of electronic mail messages, word processing documents, and spreadsheets; land usage ledgers, reports and analysis; financial statements and journal vouchers for permit revenue; forage survey maps; range boundary/area maps; drawings; plat books; livestock, and herd ownership reports and water rights case files. The 4500 program series also includes: land conservation plans and reports; environmental assessments and impact reports; land rehabilitation plans and reports; cultural and archaeological studies as well as, agricultural extension program documentation.

Agricultural Extension Case Files (item 4509) and Rehabilitation Case Files (item 4511) were withdrawn from NARA Job No. N1-75-89-1, items 4509 and 4511. These series are listed on the most recent records schedule submission, were examined at Lee's Summit, and will no longer be in withdrawn status.

The following records were not available for review: Item 4503 Range and Wildlife Maps; 4507 Range Reports; 4508 Range and Wildlife Map Files. To the best of the NARA team's knowledge, the three new series of records, Endangered Species files (item 4516), Fish and Wildlife Program files (item 4517), and Range Management files (item 4518), were not available for review at Lee's Summit. Even though the records were not examined, the same disposition that has been applied to all of the series of records listed on this records retention schedule will be applied to those records series listed in this paragraph.

Conclusion

The five-year time period that the records are to be maintained in agency space after the annual cutoff of the files is appropriate to meet the business needs of the agency. Although the appraisal was limited to those BIA records stored at Lee's Summit and therefore not all records series in this records schedule were reviewed, the NARA team that conducted the appraisal work at Lee's Summit has sufficient expertise in records that document natural resources activities of Federal agencies. In light of the continued pendency of the *Cobell* litigation and the current posture of the case, we determined that the Natural Resources records are permanently valuable because of the significant secondary value of these records for future historical, economic, demographic and geographic research. Under the present circumstances, the permanent retention is appropriate to assure Government accountability, to protect rights, and to document the national experience. Therefore, NARA Stakeholder Units and I concur with the proposed disposition instructions for and the permanent retention of the records in the 4500 series. I recommend approval of this records schedule.

Myronne K. Wilson

for
BARBARA BYERS

Senior Records Analyst, Records Management Division