

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <b>N1-75-04-05</b>	
1. FROM (Agency or establishment) <b>U. S. Department of the Interior</b>		Date Received <b>09/30/2003</b>	
2. MAJOR SUB-DIVISION <b>Bureau of Indian Affairs</b>		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	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 <b>Office of Trust Responsibilities</b>			
4. NAME OF PERSON WITH WHOM TO CONFER <b>Terry Verdán</b>	5. TELEPHONE <b>(202) 208-5831</b>	DATE <b>11-21-03</b>	ARCHIVIST OF THE UNITED STATES <i>John W. Paul</i>
<b>6. AGENCY CERTIFICATION</b> 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>17</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 <b>9/16/03</b>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Ethel J. Abeita</i>		TITLE <b>Director, Office of Trust Records</b>
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 GRS OR SUPERSEDED JOB CITATION	10.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 4700 Series, Roads and Transportation.		
<i>Terry Verdán</i> SIGNATURE OF DIRECTOR BUREAU OF INDIAN AFFAIRS		DATE <b>9/18/03</b>	

Conversion Chart Listing  
16 BIAM (1989 Version) Crosswalked to 16 BIAM (2003 Version)

16 BIAM (1989 Version)		16 BIAM (2003 Version)	
SERIES	TITLE	SERIES	TITLE
<b>4700 Series (Roads)</b>			
4701-P5	Road Construction Project Files	4701	Roads Construction Project (Master) Case Files (Revised) Annual Roads Construction Program Accomplishment Reports
4702-T5	Road Construction Project Report	4702	(Revised)
4703-P5	Road Survey Books and Field Notes	4703	Roads Survey Books and Field Notes (Revised)
4704-P5	Road Project Map Files	4704	Project Maps and Drawings (Revised)
4705a-P5	Roads Inventory-Printout/Paper copies	4705	Roads Inventory File (Revised)
4706a-P5	Bridge Inventory File-Printout/Paper copies	4706	Bridge Inventory File (Revised)
4707a-T3	Road Program Project Files-Maintained by CO	4707	Roads Program Project Files (Revised) (same as 4707 above)
4707b-T0	Road Program Project Files-Other copies		
4708a-T3	Road Construction and Maintenance Reports-Maintained by CO	4708a	Road and Bridge Construction Reports (Revised)
		4708b	Road and Bridge Maintenance Reports(Revised) (same as 4708a & 4708b above)
4708b-T0	Road Construction and Maintenance Reports-Other copies	4709a	Road and Bridge Construction Finance File (New)
Unsched		4709b	Road and Bridge Maintenance Finance File (New)
Unsched		4710	National Bridge Inventory System Report (NBIS) File (New)
Unsched		4711a	Road Design Project File (New)
Unsched		4711b	Bridge Design Project File (New)
Unsched		4712	Technical Assistance Program File (New)
Unsched		4713	Nuclear Regulatory Commission (NRC) Radiation Exposure File (New)

# REVISED 16 BIAM (2003)

4700 Series

ROADS & TRANSPORTATION

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

**4701 Roads Construction Project Case File**

**Contents:** Include, but not limited to, the following records: scope of work, budget, studies, surveys, tests, assessments, field notes, analyses, statements, evaluations, consultations, project case files relating to the construction and maintenance of roads and bridges which are comprised of planning documents (requirements, project plans, etc.), proposals, operation schedules, road assessments, deeds, right-of-way documents, cost estimates, progress reports, final statements or summaries of project cost, material result and certification, related project materials, quality control reports, tribal resolutions and/or contracts, environmental and archaeological clearances, final audit reports on pending contracts, contract modifications, Release of Claims documents, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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.

**4702 Annual Roads Construction Program Accomplishment Reports**

**Contents:** Include, but not limited to, the following records: annual reports to Central Office which reports expenditures for the reservation, road and bridge, Indian Reservation Road (IRR) activities and types of improvement, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by report fiscal year

**Official File:** Central Office, Division of Transportation

**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.

**4703 Road Survey Books and Field Notes**

**Contents:** Include, but not limited to, the following records: original notebook or log containing the initial observations, surveys, etc., conducted by engineer or other specialist, field notes, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by survey fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which 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.

**Refer to 4701 -- Road Construction Project Case File**

4704 Project Maps and Drawings

Contents: Include, but not limited to, the following records: "as built" tracings, blueprints, profiles, and plans of road and bridge construction projects; reservation road maps and related description of routes; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by project fiscal year

Official File: Action (originating and/or receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which project 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.

**4705 Road Inventory File**

**Contents:** include, but not limited to, the following records: documentation of roads on BIA lands which include area, agency and reservation code, route number, section, road length, quality, code, cost of seal coat by mile and section, class, present type of surface, current and planned road surface type, estimates for planned changes, school bus usage code, status of road section, county section, state, average traffic, user benefit, plan benefit, net benefit, roadway section for shoulder and surface, alignment condition, roadway condition, estimate cost for improvement, documentation reflecting ownership and right-of-way status. Additional documents may include requests for addition of routes, updates to the Indian Reservation Roads System Inventory, data worksheet and reports, inter-agency agreements, policies, fair share versus expenditure analyses, project cost projections, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by inventory fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which file is updated or superseded. 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.



**4706 Bridge Inventory File**

**Contents:** include, but not limited to, the following records: documentation of bridges on BIA lands which include area, agency, reservation, route, section, mile, post, state, county, school route, year built, structural characteristics and other structural data, condition of structure, estimated remaining life, proposed improvements, bridge inspection report, structural inventory appraisal report, and load rating report in accordance with the National Bridge Inventory system. Additional documents include Bridge Inventory printout (Department of Transportation Indian Needs Data printout), "as built" plans, bridge maintenance report, schematics, drawings, photos, inspection and evaluation reviews, bridge rating and improvement summary, payment reports for contracts, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by inventory fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which file is updated or superseded. 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.

**4707 Roads Program Project File**

**Contents:** Include, but not limited to, the following records: Transportation Improvement Program (TIP) estimates of proposed road construction projects and related material, technical reports (moisture density test data, field compaction test data, physical property summary, technical data reports, asphaltic formulae, summary gradation, and testing property), printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Central Office, Division of Transportation. Copies at Federal Highway Administration and Agency Office.

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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.

**4708a Road and Bridge Construction Reports**

**Contents:** include, but not limited to, the following road and bridge construction records: work program status; proposed projects; record of work program, projects and obligations; reports relating to correspondence on road and bridge construction activities; work program baseline year construction report for Indian Reservation Roads (IRR); pre-designed construction projects; project continuing under construction with modifications; the obligation and project completed accumulative obligation baseline year accomplishments; level of service condition for miles of road maintained by surface type and obligation; snow miles and regular maintenance miles for paved, graveled, and improved earth walkways; hours of ferry operation; backlog by number of tribal construction projects prioritized by resolution; status of annual summary or road and bridge construction; annual road and bridge inventory giving classification of the road systems of miles completed during the year; 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:** Central Office, Division of Transportation

**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.

**4708b Road and Bridge Maintenance Reports**

**Contents:** Include, but not limited to, the following road and bridge maintenance records: work program status; proposed projects; record of work program, projects and obligations; report relating to correspondence on road and bridge maintenance activities; work program baseline year construction report for Indian Reservation Roads (IRR); pre-designed construction projects; project continuing under construction with modifications; the obligation and project completed accumulative obligation baseline year accomplishments; level of service condition for miles of road maintained by surface type and obligation; snow miles and regular maintenance miles for paved, graveled, and improved earth walkways; hours of ferry operation; backlog by number of tribal construction projects prioritized by resolution; status of annual summary or road and bridge construction; annual road and bridge inventory giving classification of the road systems of miles completed during the year, 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:** Central Office, Division of Transportation

**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.

**(New Item)**  
**4709a : Road and Bridge Construction Finance File**

**Contents:** Include, but not limited to, the following records: annual funding documentation for road and bridge construction from Federal Highway Assistance (FHWA), obligating document transmitted to the Area Finance Office, summary by reservation of funding received and distributed with associated funding formula and percentage used at the time of distribution, obligation report for Indian Reservation Road (IRR) funds, status of obligations, work accomplishment report, IRR construction program fund obligation report, surveys for additional funding requirements, capability statements, analysis of financial status report, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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)**  
**4709b Road and Bridge Maintenance Finance File**

**Contents:** Include, but not limited to, the following records: annual funding documentation for road and bridge maintenance, funding document received from the Department of Interior (obligating document and transmittal to Finance Office), summary by reservation of funding received (carry over funding) and distributed with associated funding formula and percentage used at the time of distribution, fiscal year budget allowance, final budget decisions, annual performance goals, budget requests, Tribal Priority Allocation (TPA) formulas, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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)****4710 National Bridge Inventory System (NBIS) Report File**

**Contents:** Include, but not limited to, the following records: annual report which shows bridges on Indian land by area, agency, reservation, route, section, mile, post, state, country, school route, year built, structural characteristic, other structural data, condition of structure, estimated remaining life, and proposed improvement; profiles of bridges and aerial photos; final closeout and audit 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:** Central Office, Division of Transportation

**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.

(New Item)  
4711a Road Design Project File

**Contents:** Include, but not limited to, the following records: archaeological, surfacing design (materials), field trip, criteria (design -- greenbook, class, design speed, width to determine safety zone), terrain design, grade profile (centerline), utility crossing, hydrology (drainage), quad sheet, proposed pipe size, right-of-way, design analysis report, preliminary documents (drafts of the design plan), survey data (survey books), reviews, finalized preliminary plan, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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)**  
**4711b Bridge Design Project File**

**Contents:** Include, but not limited to, the following records: calculations (spreadsheet, hand, load rating), dimensions, beam design, computer printout (CONSPAN – design beams), survey data from agencies (submitted to Federal Highway Administration for final review/approval authority), geo-technical investigation, surveys, drainage analysis, preliminary construction plan (part of construction files), printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by project fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which project 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)**  
**4712 Technical Assistance Program File**

**Contents:** Include, but not limited to, the following records: documentation showing work with outside entities such as universities, state highway departments, municipalities and contractors providing technical assistance on the establishment of scenic byways, serving in advisory capacity addressing issues, and providing information on civil rights violations, tribal funds, tourism program, and economic development, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by assistance fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** PERMANENT. Cut off at fiscal year end in which technical assistance is completed or terminated. 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.

**(New Item)**

**4713 Nuclear Regulatory Commission (NRC) Radiation Exposure File**

**Contents:** Include, but not limited to, the following records: Nuclear Regulatory Commission licenses, training schedules, violations, nuclear gauge equipment inventory, leak test analysis, thermo-luminescent dosimeter (TLD) badges for measuring radiation emission, radiation exposure reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

**Filing Arrangement:** Chronological by license expiration fiscal year

**Official File:** Action (originating and/or receiving) Office

**Disposition:** **PERMANENT.** Cut off at fiscal year end in which NRC license expires. 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

ROCKY MOUNTAIN REGION  
DENVER FEDERAL CENTER, BUILDING 48  
WEST 6TH AVENUE AND KIPLING STREET, P.O. BOX 25307  
DENVER, COLORADO 80225-0307

Date : October 31, 2003

Reply to

Attn of : Mark Ferguson, NRGDR

Subject : Appraisal of NARA Job No. N1-75-04-5

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 N1-75-04-5, to provide revised disposition authorization for those records that are created by the Roads and Transportation function (records series 4700) of the Bureau of Indian Affairs (BIA).

The Roads and Transportation *Request for Records Disposition Authorization* (SF115) is the fifth 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); N1-075-04-3, Natural Resources (records series 4500); N1-075-04-4, Real Estate Services and Land, Title and Records Office (LTRO, records series 4600); 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.

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 series items 4700 for Roads and Transportation program records. Samples of most 4700 series were examined at the NARA, Lee’s Summit Federal Records Center facility on September 10 - 11, 2003. The proposed records schedule provides for the permanent retention of 16 series and subseries of revised and new series of textual records. The records at Lee’s Summit that were available for review date from 1936 to 1997, and include Roads Construction Project (Master) Case Files (item 4701); Roads Survey Books and Field Notes (item 4703); Project Maps (item 4704); Road and Bridge Construction Reports (item 4708a); and Road and Bridge Maintenance Reports (item 4708b). Contents include road construction project case files and reports; road survey books and field notes; and road project map files. Also included are roads and bridge inventory records; printouts of electronic mail messages, word processing documents, and spreadsheets; and road program project and road construction and maintenance reports.

No items in the 4700 series were withdrawn from NARA Job No. N1-75-89-1 and no 4700 series items were reserved in NARA Job No. N1-75-04-05. The following previously existing series of records were not available for review at Lee’s Summit: Item 4702, Annual Roads Construction Program Accomplishment Report; Item 4705, Road Inventory File; and 4706, Bridge Inventory File. To the best of the NARA team’s knowledge, none of the new series of records were available at Lee’s Summit for review, including Road and Bridge Construction and Maintenance Finance Files (items 4709a and 4709b); Road and Bridge Design Files (items 4711a and 4711b); Technical Assistance Program Files (item 4712); and Nuclear Regulatory Commission (NRC) Radiation Exposure Files (item 4713). Even though these records were not examined, the NARA team recommends the permanent retention of these records.

## 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 road and transportation 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 Roads and Transportation 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 4700 series. I recommend approval of this records schedule.

*Gyonne K. Wilson*

*for* **MARK FERGUSON**  
Director, Records Management Division