

REQUEST FOR RECORDS DISPOSITION AUTHORITY		LEAVE BLANK (NARA use only)	
		JOB NUMBER <i>NI-75-04-04</i>	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		Date Received <i>9/30/2003</i>	
1. FROM (Agency or establishment) U. S. Department of the Interior		NOTIFICATION TO AGENCY	
2. MAJOR SUB-DIVISION Bureau of Indian Affairs		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	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 <i>11-21-03</i>	ARCHIVIST OF THE UNITED STATES <i>John W. Carl</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 <i>60</i> 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 provisos 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 <i>9/16/03</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Ethel J. Abetta</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 GRS OR SUPERSEDED JOB CITATION	10.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 4600 Series, Real Estate Services and Land, Title and Records Office.		
<i>Terry Verdin</i> SIGNATURE OF DIRECTOR BUREAU OF INDIAN AFFAIRS		<i>9/18/03</i> DATE	

16 BIAM (1989 Version)		16 BIAM (2003 Version)	
SERIES	TITLE	SERIES	TITLE
4600 Series (Real Estate Services)			
4601-P5	Land Allotment Case Files and Assignment Records	4601a	Original Allotment - Individual (Revised)
		4601b	Original Allotment - Tribal (Revised)
		4601c	Alaskan Native Allotment (Revised)
		4601d	Alaskan Native Townsites Parcels (Revised)
4602-P5	Land Allotments	4602	Reserved - Refer to 4601
4603-P5	Land Assignments	4603	Reserved - Refer to 4601
4604-P5	Patents, Fees and Certificates of Competency	4604	Reserved - Refer to 4601
		4604	Reserved - Refer to 4609
4605-P5	Land Gift Exchange	4605	Reserved - Refer to 4609
4606-P3	Land Plat Books	4606	Reserved - Refer to 4607
4607-P3	Land Tract Books	4607	Reserved - Refer to 4609
4608-T5	Aborted Land Transaction Files	4608	Reserved - Refer to 4609
4609-P10	Land Transaction Files	4609	Land Transaction (Revised)
4610-P3	Land Title/Deed Files	4610	Reserved - Refer to 4609
4611-P5	Initial Observations of Land Survey Field Notes	4611	Land Survey Field Notes (Revised)
4612-P5	Cadastral Surveys	4612	Cadastral Surveys (Revised)
4613-P3	Land Maps and Plans	4613	Land Maps and Plans (Revised)
4614-P3	Acquired Sub-Marginal Land Books	4614	Acquired Sub-Marginal Land Books (Revised)
4615-P3	Land Acquisition Maps Books	4615	Land Acquisition Map Book (Revised)
4616-P3	Land Right-of-Way Files	4616	Indian Land Right-of-Ways and Easements (Revised)
4617-T3F	Land Lease Accounting Files	4617	Reserved - Refer to 4402-Timber Sales
		4617	Reserved - Refer to 4618
4618a-P5	Indian Land Lease Case Files-Mineral, oil, and gas leases	4618a	Indian Land Lease-Mineral, Oil, and Gas (Revised)
4618b-T5	Indian Land Lease Case Files-All other land leases	4618b	Indian Land Lease-Other (Revised)
4618b-T5	Indian Land Lease Case Files-All other land leases	4618c	Indian Land Lease-Timber Sales (Revised)
4619-T4	Oil Well Records	4619	Reserved - Refer to 4621
4620-T3	Nation-Wide Oil and Gas Lease Bond Files	4620	Reserved - Refer to 4618a
4621-P5	Mineral Resources Inventory Agreement Files	4621	Indian Mineral Assessment Records (Revised)
4622-T3F	Town Lot Use Permits	4622	Town Lot Use Permits (Revised)
4623-T2	Real Property Insurance Policies	4623	Reserved - Refer to 4609
4624-P10	Real Estate Appraisal Report Files	4624	Real Estate Appraisal Report Files (Revised)
4625-T0	Real Estate Appraisal Reference Files	4625	Reserved - Refer to 4624
4626-T0	Real Estate Market Data Card Files	4626	Reserved - Refer to 4624

16 BIAM (1989 Version)		16 BIAM (2003 Version)	
SERIES	TITLE	SERIES	TITLE
4627-P5	Land Use Feasibility and Marketability Study Files	4627	Reserved - Refer to 4628
4628-P5	Reservation Land Use and Development Plan Files	4628	Reservation Land Use and Development Plan (Revised)
4629-P5	Real Property Reports	4629	Real Property Report (Revised)
4630-P3	Heirship Files	4630	Reserved - Refer to 4631
4631-P3	Individual Indian Probate Case Files	4631	Probate File (Revised)
4632a-P5	Range Heir File-Printout/Paper copies	4632	Reserved - Moved to Range
4633-T3	Twenty-Day Case Files	4633	Twenty-Day Case Files (Revised)
4634a-P5	Master Land Description File-Printout/Paper copies	4634	Master Land Description Files (Revised)
4635a-P5	Land Chain of Title Plant Files-Printout/Paper copies	4635	Land Chain of Title Plant Files (Revised)
4636a-P5	Individual Chain of Title Files-Printout/Paper copies	4636	Individual Chain of Title Files (Revised)
4637a-P5	Range Land File	4637	Reserved - Moved to Range
4638a-P5	Indian Land Information System Files	4638	Reserved - Move to ADP 2220 IRMS
4639a-P5	Lease Distribution System Files-Printout/Paper copies	4639	Reserved - Move to ADP 2220 IRMS
4640a-P5	Range Permittee Payment System-Printout/Paper copies	4640	Reserved - Moved to Range
4641a-P5	LRIS Geographic Location Directory-Printout/Paper copies	4641	LRIS Geographic Location Directory (Revised)
4642a-P5	LRIS Reservation Directory-Printout/Paper copies	4642	Reserved - Refer to 4641
4643-P5	Indian Land Records	4643	Indian Land Records (Revised)
4644-P5	Indian Trust Land Mortgages	4644	Reserved - Moved to Credit
4645-P5F	Restriction Removal File	4645	Restriction Removal Files (Revised)
Unsched			Unresolved Rights Case-Statute of Limitations/Unresolved Rights Cases - Litigation (New)
Unsched		4646a	Unresolved Rights Case-Statute of Limitations/Unresolved Rights Claims - Non-Litigation (New)
Unsched		4646b	
Unsched		4647	Recordation Logs (Non-LRIS) (New LTRO)
Unsched		4648	Title Documents (New LTRO)
Unsched		4649	Individual and Tribal Tract File (New LTRO)
Unsched		4650	Identification and Research Records (New LTRO)
Unsched		4651	Land Status Maps, General Land Office Plats, and Land Acquisition Maps (New LTRO)
Unsched		4652	Land Index File (New LTRO)
Unsched		4653	Probate Documents (New LTRO)
Unsched		4654	Rights-of-Ways (New LTRO)
Unsched		4655	Abstract of Title (New LTRO)

REVISED 16 BIAM (2003)

4600 Series

REAL ESTATE SERVICES

and

Land, Title and Records Office

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

(New Item)

4601a Original Allotment – Individual

Contents: Include, but not limited to, the following records: trust patents, deeds, allotment schedules/books, Acts of Congress, Secretarial Orders, Tribal land agreements, allotment or estate record cards, land registers/record books, records of contested land allotment cases, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by allotment

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which land is placed into trust. 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.

(New Item)

4601b Original - Tribal (Government Acquired Land)

Contents: Include, but not limited to, the following records: treaties, executive orders, Acts of Congress, Secretarial Orders, court decisions, 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 in which land is placed into trust. 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.

(New Item)
4601c Alaskan Native Allotment (ANA)

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

Pre-allotment: application, adjudication and historical records, affidavits, conformance survey letter (to plial of survey), printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Conveyance: BLM certificate, BLM reinstatement decision letter, deed, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Protest: protest, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by allottee name

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which land is placed into trust. 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.

(New Item)
4601d Native Townsites Parcels – Alaskan

Contents: Include, but not limited to, the following records: application, NEPA clearance, appraisal, archaeological, title deed, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by allottee name

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which land is placed into trust. 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.

4602 Land Allotments

Refer to 4601

RESERVED

4603 Land Assignments

Refer to 4601

RESERVED

4604 Patents, Fees and Certificates of Competency

Refer to 4601 and 4609 – Land Transactions

RESERVED

4605 Land Gift Conveyance

Refer to 4609 – Land Transactions

RESERVED

4606 Land Tract Books

Refer to 4607 – Land Tract Books

RESERVED

4607 Land Plat Books

Refer to 4609 – Land Transactions

RESERVED

4608 Aborted Land Transactions

Refer to 4609 – Land Transactions

RESERVED

4609

Land Transactions

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

Conveyance: deed, fee patent, order transferring inherited interest, conveying land (allotted and unallotted), printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Pre-conveyance: certificate of competency, gift conveyance document, proclamation, tribal resolution agreeing to exchange or sale by tribe to individual, appraisal report, correspondence justifying transaction, title opinion by legal counsel, petition for sale, agency reports, certificate of indebtedness, homestead patents, restricted real property insurance policies, related land indexes, title abstracts or opinions of private sector, original bid, abstract of bid, advertisement, heirs written consent to sell, deed establishing transfer of ownership, surveys, environmental impact statements and assessments, other NEPA documents, archaeological reports, land plat and tract books showing land transactions and legal description of land (subdivision, section, township, range, and acreage), reclamation-withdrawals, reservoirs, agency and school reserves, aborted land transactions (petitions to sell, transfer, or alienate rights of property, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence).

Filing Arrangement: Numerical by tract number

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which transaction is aborted or 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.

4610 Land Title/Deed Files

Refer to 4609 – Land Transactions

RESERVED

4611 Land Survey Field Notes

Contents: Include, but not limited to, the following records: notebooks containing initial observation of an engineer, surveyor or other specialist establishing the metes and bounds measurement to document specific resources, printouts of electronic mail, and documents created through word processing and spreadsheet software applications.

Filing Arrangement: Numerical by land tract

Official File: Action (originating/receiving) Office

Disposition: **PERMANENT.** Cut off at fiscal year end when survey is 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.

4612

Cadastral Surveys

Contents: Include, but not limited to, the following records: scope of work, budget, studies, tests, assessments, field notes, audits, analyses, statements, evaluations, consultations, results, reports, surveys conducted by Bureau of Land Management or other contractors to establish exterior boundaries, administrative surveys conducted within the boundaries of the reservations, 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 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.

4613 Land Maps and Plans

Contents: Include, but not limited to, the following records: scope of work, budget, studies, surveys, tests, assessments, field notes, audits, analyses, statements, evaluations, consultations, results, reports, plans, annotated maps showing townships, reservations, boundaries, location of land purchases under the Indian Reorganization Act, photos, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Geographical by reservation

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.

4614 Acquired Sub-Marginal Land Books

Contents: Include, but not limited to, the following data entry records: tract number, name of grantor, legal description of land, date of deed approved by the U.S. Attorney General's Office, purchase price, printouts of electronic mail, and documents created through word processing and spreadsheet software applications.

Filing Arrangement: Numerical by land tract

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which last entry was made. 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.

4615 Land Acquisition Map Book

Contents: Include, but not limited to, the following records: application, consent form, tribal resolution, maps, approved grant form, certificate of completion for right-of-way or easement or permits granted over Indian land for roads, power-lines, railroads, communication lines, irrigation ditches, canals, and pipelines.

Filing Arrangement: Geographical by reservation

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which last entry was made. 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.

4616 Indian Land Right-of-Ways and Easements

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

Pre-decision: application, consent form, tribal resolution, maps, market analysis, notarized land survey, environmental assessments, appraisal, surety bond, service line agreements, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Decision: rights-of-way, easements, change orders, modifications, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Post-decision: estimate of equitable compensation, schedules of damages, restoration plans, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Accounting: journal vouchers, distribution survey, bill for collections, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by assigned number

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of rights-of-way and easement expiration. 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.

4617 Land Lease Accounting Files

Refer to 4402 - Timber Sales and 4618 - Indian Land Lease Case Files

RESERVED

4618 Indian Land Lease Case Files

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

Pre-decision: estimates; appraisals; restrictions; affidavits; individual land owners consent; lease proposal; lease compliance, inspection, stipulations; title status report; abstract of title; maps and land tract surveys; lease plan; access permits; solicitor approval; power of attorney; acceptance of lessor; Categorical Exclusion check list; Environmental Assessments; insurance policies/certificates; rental value memorandum; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Decision: lease, lease bond, lease and bond transmittal form, modifications, statement/certificate of award, contract, notice of lease termination, unitization agreements and ratifications, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Post-decision: notice of lease expiration, trespass report, operation reports, court related documents, Findings of No Significant Impact (FONSI), printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Accounting: royalty reports, royalty interest documents, check copies, delinquent lessee listing, account distribution vouchers, 90-day notice, authority to execute irrevocable letter of credit document, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by lease

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end of lease completion, expiration, or termination. 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.

Also Refer to 4402 – Timber Sale Contract Files

4619 Oil Well Records

Refer to 4621 – Indian Mineral Assessment Records

RESERVED

4620 Nation-wide Oil and Gas Lease Bond Files

Refer to 4618 - Indian Land Lease Case Files

RESERVED

4621 Indian Mineral Assessment Records

Contents: Include, but not limited to, the following records: interagency and private research and mineral firm assessments, evaluations, analysis, copies of records submitted and/or received from U.S. Geological Surveys, well logs, plugging records, production reports, communitization agreements, lease status reports, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Chronological by assessment fiscal year

Official File: Action (originating/receiving) Office

Disposition: **PERMANENT.** Cut off at fiscal year end when assessment 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.

4622

Town Lot Use Permits

Contents: include, but not limited to, the following records: documents used for restricted land or land for which it has been impossible to secure clear legal title, copy of rent receipt, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by permit number

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.

4623 Real Property Insurance Policies

Refer to 4609 - Land Transactions

RESERVED

4624 Real Estate Appraisal Report Files

Contents: Include, but not limited to, the following records: appraisal reports used by Realty Officers in negotiating leases, land transactions, or involving litigation; inventories; land assessments; reviews and evaluations of appraisal reports; market data on recorded real estate transactions; county assessor's maps; quadrangle maps; reservation maps; county atlases; copies of BIA reservation road maps; plat map; aerial photographs used for appraisals and land use planning; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Chronological by appraisal expiration fiscal year

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when appraisal 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.

4625 Real Estate Appraisal Reference Files

Refer to 4624 – Real Estate Appraisal Report Files

RESERVED

4626 Real Estate Market Data Card Files

Refer to 4624 – Real Estate Appraisal Report Files

RESERVED

4627 Land Use Feasibility and Marketability Study Files

Refer to 4628 – Reservation Land Use and Development Plan

RESERVED

4628

Reservation Land Use and Development Plan

Contents: Include, but not limited to, the following records: scope of work, budget, surveys, tests, assessments, field notes, audits, statements, evaluations, consultations, results, environmental and cultural documentation, feasible and marketable studies, cost analysis, design plans, construction plans, original tracings, sepias, mylars, narrative reports, documents resulting from studies to evaluate and analyze use and development of reservation land, 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 plan or study 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.

4629 Real Property Report

Contents: Include, but not limited to, the following records: acquisitions and disposal reports, surface and subsurface leases/permits, land planning, real estate appraisals, 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.

4630 Heirship Files

Refer to 4631 – Individual Indian Probate Case File

RESERVED

4631

Individual Indian Probate Case File

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

Pre-decision: proof of death, wills, notice of hearing, list of persons receiving notice of hearing, depositions, Bureau of Indian Affairs Inventory (BIAINV), and appraisals of interests possessed by deceased. If applicable, includes decedent tribal enrollment certification, marriage license(s), divorce decree(s), adoption records, affidavit of probate specialists verifying search for missing probable heirs or beneficiaries, correspondence or notes from communication with family, disclaimers, renunciation of interest, guardianship records, final settlement, heirship cards, statement describing income generating activity, decedents IIM account ledgers, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Decision: order determining heirs; order approving will and decree of distribution; probate modifications; 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: Alphabetically by decedent name

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end in which the estate is settled. 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.

4632 Range Heir File

Series Moved to Range

RESERVED

4633 Twenty-Day Case File

Contents: Include, but not limited to, the following records relating to the Bureau's representation of an Indian in matters concerning their estate in State and Federal Court: probate, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by court docket number

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end in which the estate is settled. 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.

4634 Master Land Description File

Contents: Include, but not limited to, the following records: regular and townsite data that is received from the title plant; information from legal description of land within section, township, and range of an area of both trust and right-of-way; reservation code, range, township, section, multiple use (county) code, meridian, range east or west, township north or south; county, state, and township name and code; subdivision; block; lot; cross-reference reservation code and subdivision name; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Numerical by reservation code

Official File: LTRO 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.

4635

Land Chain of Title File

Contents: Include, but not limited to, the following records to show a complete historical record on all Indian lands: regular and townsite data that is received from the title plant; information from legal information in this file is received from the title plants where the data is taken from the Congressional Record; probate files; record of sales; leases; right-of-way; deeds; patents; Congressional, Presidential, and Secretary fractional interest control number, land description by quarter section, township, range, and tract reservation code; tract number; average documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Alphabetical by tribe or individual name

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when 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.

4636 Individual Chain of Title Files

Contents: Include, but not limited to, the following records used to maintain current legal ownership records on individual Indians, as well as tribally-owned land: magnetic tape file received from the title plants where it is taken from Congressional Record, probate files, record of sales, deeds, specified documents, and other legal records; extract control number; document type, number, and date; owner reservation code; owner (allotment) number and name; grantor-grantee code; relationship code; fractional interest acquired; master reservation code; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Alphabetical by tribe or individual name

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when 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.

4637 Range Land File

Series Moved to Range

RESERVED

4638 Indian Land Information System

Series Moved to ADP -- 2220 IRMS

RESERVED

4639 Lease Distribution System Files

Series Moved to ADP - 2220 IRMS

RESERVED

4640 Range Permittee Payment System

Series Moved to Range

RESERVED

4641 LRIS Location Directory

Contents: Include, but not limited to, the following records: information taken from the GSA Geographical Location Codes Manual which shows state and county code, state and county name, and state abbreviation for all BIA locations and reservation codes.

Filing Arrangement: Alphabetical by location

Official File: LTR0 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.

4642 LRIS Reservation Directory

Refer to 4641 – LRIS Geographic Location Directory

RESERVED

4643 Indian Land Records

Contents: Include, but not limited to, the following records: land description, current ownership, probate and title history of Indian trust land, records concerning individuals who have received overpayment(s) relative to land disposal, leases, sales and rentals maintained by Title Plants, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Alphabetical by name

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when superseded of 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.

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

4644 Indian Land Information System

Series Moved to Credit – No reference provided

RESERVED

4645 Restriction Removal File

Contents: Include, but not limited to, the following records: application for removal of restriction, indexes, removal of restriction documents, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by tract

Official File: Action (originating/receiving) Office

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

(New Item)
4646 Unresolved Rights Case

Contents: Include, but not limited to, the following records: documents essential to the preservation of the legal right and interest of an individual Indian and their government which includes correspondence, forms, and reports on rights protection.

4646a Statute of Limitations/Unresolved Rights Cases – Litigation

Contents: Include, but not limited to, the following case records: Grazing Trespass, Utility Trespass, Road Trespass, Railroad Trespass, Agricultural Trespass, Recover Land Sold to Wrongful Heir, 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 Harvest Natural Growth Removal and Trespass Water Right.

Filing Arrangement: Alphabetical by claim type

Official File: Action (originating/receiving) Office

Disposition: PERMANENT. Cut off at fiscal year end when case is closed. 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.

4646b Statute of Limitations/Unresolved Rights Claims – Non-Litigation

Contents: Include, but not limited to, the following records: rejected claim which may or may not have legal merit but are not recommended for litigation; Administratively Resolved Claim which have been resolved either through negotiation or administrative resolution; Claim Undergoing Litigation which are being litigated by the U.S. Attorney; Legislation Activities when legislation is necessary when there is no administrative or legislative remedy; Technical Studies include items that are necessary for monitoring activity or for the purpose of making determination to fact; dispute clarification of position; boundary disputes include documents which may or may not be long standing boundary problems and current Unresolved Indian Right issues which are on-going, and rights issued which are post 1966 Statute of Limitations Claims.

Filing Arrangement: Alphabetical by claim type

Official File: Action (originating/receiving) Office

Disposition: **PERMANENT.** Cut off at fiscal year end when claim is closed. 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)

4647 Recordation Logs (Non-LRIS)

Contents: Include, but not limited to, the following manual or electronic log of title records created and maintained for land title recording purposes (logs shall be printed and made part of the hard copy file): title documents which include reservation code, sequential number, year, date received, document type, recorded date, microfilmed date, date returned to the originating office, significant remarks to title documents, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by recording number

Official File: LTRO Office

Disposition: **PERMANENT.** Cut off at fiscal year end when last title record is logged. 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)

4648 Title Documents

Contents: Include, but not limited to, the following records used to create official certified copies: documents affecting the title to or encumbers tribal or individual allotted land required to be recorded by regulations or Bureau policy; trust patent; restricted fee patent; deed to non-trust status; Executive Order; Treaty; Acts of Congress; Secretarial Order; order transferring inherited interest; deeds to restricted or trust status; supplement plat; mortgage documentation; fee patent; homestead patent; certificate of competency; order removing restrictions; allotment schedule; declaration of taking; lease; right-of-way and easement; memorandum of sale of allotted land; federal reinvesting order; death notice; Non Compos Mentis declaration; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Numerical by tract number

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when ownership has been changed. 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)
4649 Individual and Tribal Tract File

Contents: Include, but not limited to, the following records used to document current chain of title ownership and encumbrances affecting a specific tract of trust or restricted Indian land: ownership updated by probates, probate modifications, deeds and other legal instruments; encumbrances such as leases, mortgages, mortgage satisfactions, rights-of-way to show current land status, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by tract number

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when ownership has been changed. 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)
4650 Identification and Research Records

Contents: Include, but not limited to, the following records used to identify individual tract owner for various title and probate purposes: title and identification card; record; enrollment book showing individual interest derived from probate and other title documents; individuals' personal information (date of birth, roll number, family relationships); plat book showing section, township, range, and legal description; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Alphabetical by name of tract owner

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when records are updated. 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.

(New Item)

4651 Land Status Maps, General Land Office Plats, and Land Acquisition Maps

Contents: Include, but not limited to, the following records: land status maps for all reservations which show individual tracts; tract numbers and current status of the tract in terms of trust or fee, tribal, or individual; general land office plats which represent official survey boundaries and show prominent physical features and section, township, and range lines; land acquisition map books, plats, and townsite maps; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Numerical by tract number

Official File: LTRO 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.

(New Item)
4652 Land Index File

Contents: Include, but not limited to, the following index records of tribal and individual allotted land documenting historical and current events which track ownership and encumbrances affecting specific land through title documents from the date the land was established to the most recent event: reservation codes, legal land description, state location, county location, number of acres, document type affecting land, document number, original allottee name, grantor/decendent, grantees/heir, fractional interest, ownership type, relations information, cartographic land plats, printouts of electronic mail, documents created through word processing and spreadsheet software applications, supporting documentation, and related correspondence.

Filing Arrangement: Numerical by tract number

Official File: LTRO 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.

(New Item)
4653 Probate Documents

Contents: Include, but not limited to, the following records: original probate order/decision signed and issued by an administrative law judge from the Office of Hearings and Appeals or by a regional attorney decision maker, order determining heirs, last will and testament, probate modifications, BJA land inventory, data for heirship, family report, disclaimers, testimonies, death certificate, creditor claims, heirs and interested parties, printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Numerical by probate number

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end in which the estate is settled. 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.

(New Item)

4654 Rights-of-Ways

Contents: Include, but not limited to, the following records: original grant of easement or permit with map; tribal resolution; application; consent of owners; affidavit of completion for easements or permits granted over tribal or individual land for road, power line, railroad, communication line, irrigation ditch, canal, pipeline, etc.; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Geographical by reservation

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when right-of-way 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.

(New Item)

4655 Abstract of Title

Contents: Include, but not limited to, the following records: abstract of title prepared by a commercial title company for non-trust land acquisitions, land removed from trust status, or being returned to trust status; printouts of electronic mail; documents created through word processing and spreadsheet software applications; supporting documentation; and related correspondence.

Filing Arrangement: Alphabetical by abstract title

Official File: LTRO Office

Disposition: PERMANENT. Cut off at fiscal year end when transaction 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.

**RECOMMENDATION TO THE ARCHIVIST ON RECORDS
DISPOSITION REQUEST**

Job No: N1-075-04-4

Item Count: 38

SUMMARY: The United States Department of the Interior, Office of Special Trustee for American Indians (OST), Office of Trust Records (OTR) submits NARA Job Number N1-75-04-4, to provide revised disposition authorization for those records that are created by the Real Estate Services and Land, Title and Records Office (LTRO) function (records series 4600) of the Bureau of Indian Affairs (BIA). This is the fourth 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. These records schedules will completely supersede all disposition authorities for the related records that were previously approved by NARA and BIA.

The records in the 4600 series, Real Estate Services and Land, Title and Records Office program records, were examined on September 10 – 11, 2003 at the NARA Lee's Summit Federal Records Center facility. The proposed records schedule provides for the permanent retention of 38 series and subseries of revised and new series of textual records, and the placement of 23 previously existing file codes in reserved status and into related file codes. The records for those records series stored and appraised at Lee's Summit, date from 1868 to 1999. The 4600 series of records document land transactions and monitoring actions relating to the original allotments, land allotment case files and assignments, allotments for trust status not owned by individual Indians, the legal descriptions of the land (e.g. land plat and tract books), cadastral surveys and maps, changes of ownership (probate and heirship files), leasing of the land to others (such as right-of-ways, mining contracts, leases and agreements, billing and payment statements, grazing leases along with herd vaccination reports and vaccination compliance requests; town lot use permits; real estate appraisal reports; feasibility and marketability studies; long range development plans; mineral lease activity reports; oil and gas pipeline information; printouts of electronic mail messages, word processing documents, and spreadsheets; and related land information.

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 land-related activities of Federal agencies. In light of the continued pendency of the *Cobell* litigation and the current use of the case, we determined that the Real Estate Services and Land, Title and Records Office (LTRO) records are permanently valuable use 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. As all records listed on the records schedules are proposed for permanent retention, no publication of a *Federal Register* notice was necessary. NARA Stakeholder Reviewing Units concur with the disposition instructions. I recommend approval of this job.

RECOMMENDATION

- 1. **APPROVED FOR DISPOSAL.** The records described under all items of the schedule, except those that may be listed in blocks 2, 3, and 4 of this section, are disposable because they do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research or other value to warrant their continued preservation by the Government.
- 2. **APPROVED FOR PERMANENT RETENTION.** The records described under the following item or items have been appraised by the National Archives and Records Administration (NARA) and are determined to have sufficient historical or other value to warrant their continued preservation by the United States Government. The agency will transfer these records to the National Archives as specified. Items 4601, 4609, 4611-4616, 4618, 4621-4622, 4624, 4628-4629, 4631, 4633-4636, 4641, 4643, 4645-4655. The gaps in this list are those file codes that are in reserve status and where the records are filed with those in this list or in the 4200 series.
- 3. **DISPOSITION NOT APPROVED.** The records described under the following item or items are not approved for disposition.
- 4. **WITHDRAWN.** The records described under the following item or items have been withdrawn at the request of the agency and/or NARA.

FEDERAL REGISTER NOTICE

Not required.

Required —

Publication Date:
Copies Requested:
Comments Received:

SIGNATURES	TITLE	SIGNATURE	DATE
JB 11/3/03	Appraiser	Yvonne K. Wilson	10-31-03
	NWML	Paul M. Hart J.	11.04.2003
CONCURRENCES	NW	Howard Brown	11/5/2003
	NR	Gregory A. Pomuto	11/18/2003
	NW	Michael J. Kuff	11-18-03



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

PMN
11-17-2003
Carry / Youssef (action)
Sandy (file)

Date : November 17, 2003

Reply to
Attn of : NGC

Subject : Comments on DOI/BIA Trust-Related Schedules for Textual Records

To : Paul M. Wester, NWML

NGC has signed off on the six Bureau of Indian Affairs (BIA) schedules, subject to the following remark. We would ask that NWML prepare a cover letter to the appropriate person at the Department of Interior, to accompany notice of NARA's signed authorization for the schedules, which would have the purpose of clarifying NARA's intent and placing relevant components of DOI on notice concerning future transfer of records into the legal custody of NARA. We should make clear in a cover letter that NARA interprets the boilerplate "Disposition" paragraphs contained in the various six schedules to mean the following sequence of actions will be taken.

Active BIA records will be maintained in BIA offices of record during their working life before "cut off," and thereafter maintained for a maximum of five years thereafter in those offices before retirement to a "federal record center" (FRC). NARA further intends that the records encompassed within these six schedules would continue to maintain their legal status as DOI/BIA records for the foreseeable future, at least until such time as the litigation in *Cobell* and related cases involving Indian and tribal records are resolved, or as jointly further agreed to by the parties. Thus, the last sentence in each disposition paragraph, which states that "Transfer to [NARA] in accordance with a signed 258" agreement, is intended only to operate as an independent statement of future intent (not tied in any way to retirement of such records to an FRC after the designated five years). Subject to any exceptions to be further discussed with DOI, NARA does not anticipate taking any immediate or automatic action in the near term with respect to initiating a separate SF-258 process with respect to the records contemplated for transfer to the Lenexa facility under these schedules.

Please feel free to contact me if you have any questions:

JASON R. BARON
Director of Litigation
Office of General Counsel

REQUEST FOR STAKEHOLDER UNIT ACTION

Job No. N1-075-04-04Date sent: October 21, 2003

Date Received by SHU: _____

Date due to sender: October 28, 2003

Route To:	
1.	NWCTC
2.	
Return to: WG3, Yvonne Wilson, A2, Room 5320	

- A. This job has also been sent to: NWMD, NR, NWML, NGC
- B. NWML general comments on this job:
- C. NWML wishes assistance in appraising these records:

For stakeholder unit use. Check all boxes that apply.

1. waives informal review for these records.
2. wishes to participate directly in the appraisal of these items:
 Please contact _____ Phone No. _____
3. wishes to comment on SF 115 immediately. Comments are attached.
 Please contact _____ Phone No. _____
4. wishes to review the appraisal report.
5. Please complete: SHU does does not want a copy of completed job.

SHU Comments: [Use this space or attach separate sheet]

Date Sent: 10/27/03 SHU Signature: *Yvonne Wilson*

NWML Contact:	Room number: A2, Room 5320
Yvonne K. Wilson	Phone No. ext. 73143

REQUEST . JR STAKEHOLDER UNIT ACTION

Job No. N1-075-04-04

Date sent: October 21, 2003

Date Received by SHU: _____

Date due to sender: October 28, 2003

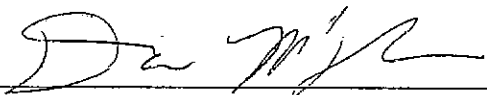
Route To:
1. NWMD
2.
Return to: WG3, Yvonne Wilson, A2, Room 5320

- A. X This job has also been sent to: NWCTC, NR, NGC, NWML
- B. _____ NWML general comments on this job:
- C. _____ NWML wishes assistance in appraising these records:

For stakeholder unit use. Check all boxes that apply.

1. waives informal review for these records.
2. wishes to participate directly in the appraisal of these items:
Please contact _____ Phone No. _____
3. wishes to comment on SF 115 immediately. Comments are attached.
Please contact _____ Phone No. _____
4. wishes to review the appraisal report.
5. Please complete: SHU does does not _____ want a copy of completed job.

SHU Comments: [Use this space or attach separate sheet]

Date Sent: 10/21/03 SHU Signature: 

NWML Contact: Yvonne K. Wilson	Room number: A2, Room 5320 Phone No. ext. 73143
--	--

REQUEST FOR STAKEHOLDER UNIT ACTION

Job No. N1-075-04-04

Date sent: October 21, 2003

Date Received by SHU: _____

Date due to sender: October 28, 2003

Route To:
1. NR
2.
Return to: WG3, Yvonne Wilson, A2, Room 5320

- A. This job has also been sent to: NWCTC, NWMD, NWML, NGC
- B. NWML general comments on this job:
- C. NWML wishes assistance in appraising these records:

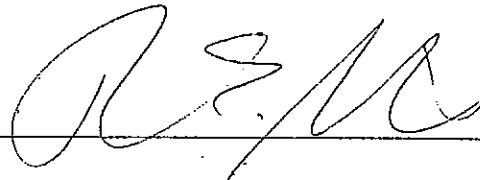
For stakeholder unit use. Check all boxes that apply.

1. waives informal review for these records.
2. wishes to participate directly in the appraisal of these items:
Please contact _____ Phone No. _____
3. wishes to comment on SF 115 immediately. Comments are attached.
Please contact _____ Phone No. _____
4. wishes to review the appraisal report.
5. Please complete: SHU does does not want a copy of completed job.

SHU Comments: [Use this space or attach separate sheet]

Date Sent: 10-21-03

SHU Signature: _____



NWML Contact: Yvonne K. Wilson	Room number: A2, Room 5320 Phone No. ext. 73143
--	--

Note: As this form documents formal actions taken, it should be filed as part of the job dossier.



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

Date : October 31, 2003

Reply to

Attn of : Yvonne K. Wilson, NWML Work Group Leader, WG#3

Subject : Appraisal of NARA Job No. N1-075-04-4

To : Director, NWML

The United States Department of the Interior, Office of Special Trustee for American Indians (OST), Office of Trust Records (OTR) submits NARA Job Number N1-75-04-4, to provide revised disposition authorization for those records that are created by the Real Estate Services and Land, Title and Records Office (LTRO) function (records series 4600) of the Bureau of Indian Affairs (BIA).

The Real Estate Services and Land, Title and Records Office *Request for Records Disposition Authorization* (SF115) is the fourth 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); N1-075-04-5, 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

The records in the 4600 series, Real Estate Services and Land, Title and Records Office program records, were examined on September 10 – 11, 2003 at the NARA Lee's Summit Federal Records Center facility. The proposed records schedule provides for the permanent retention of 38 series and subseries of revised and new series of textual records. This schedule also provides for the placement of the following file codes and related records series (listed in previous records schedules and records manuals) in reserved status: Land Allotments (4602), Land Assignments (4603), Patents, Fees and Certificates of Competency (4604), Land Gift Exchange (4605), Land Plat Books (4606), Land Tract Books (4607), Aborted Land Transaction Files (4608), Land Transaction Files (4609), Land Title/Deed Files (4610), Land Lease Accounting Files (4617), Oil Well Records (4619), Nation-Wide Oil and Gas Lease Bond Files (4620), Real Property Insurance Policies (4623), Real Estate Appraisal Reference Files (4625), Real Estate Market Data Card Files (4626), Land Use Feasibility and Marketability Study Files (4627), Heirship Files (4630), Range Heir File Printouts (4632a), Range Land File (4637a), Indian Land Information System Files (4638a), Lease Distribution System Printouts (4639a), Range Permittee Payment System Printouts (4640a), and Land Resources Information System Reservation Directory Printout (4642a).

The Office of Trust Records, as a result of its records inventory and program office interview projects, placed these reserved items into revised previously existing and in new file codes to more accurately reflect the work processes of the BIA. The term "reserved" (along with a

pointer to the appropriate file code(s)) is an indicator of a file code that will no longer be used, and should not be confused with the terms "withdrawn" or "unscheduled."

Items 4602 through 4604 have been moved to revised series and subseries within 4601, Original Allotments for Individuals, Tribes, and Alaskan Natives, and Alaskan Native Townsites Parcels. Items 4604 through 4608, and 4610 and 4623, are now part of item 4609, Land Transaction files. Item 4617 is now part of the Timber Sales files (item 4402 in the Forestry and Fire records schedule, NARA Job No. N1-075-04-2). Item 4619 has been moved to item 4621, Indian Mineral Assessment Records, and items 4617 and 4620 have been moved to item 4618, Indian Land Lease records. Items 4625 and 4626 have been moved to item 4624, Real Estate Appraisal Report files. Item 4627 is now part of item 4628, Reservation Land Use and Development Plans, and item 4630 is now part of item 4631, Probate Files. The records in items 4632, 4637, and 4640 have been moved to items in the Range series of records (4500 series). Items 4638 and 4639 related to electronic systems and are now covered by the Integrated Resources Management System (IRMS) schedules that have been submitted by OTR to NARA as part of the electronic systems schedules. Item 4642 has been moved to item 4641, the textual records of the Land Record Information System (LRIS) Geographic Location Directory system. The records in item 4644 have been moved to the 4200 file codes for Credit records.

The records for those records series stored and appraised at Lee's Summit, date from 1868 to 1999. The 4600 series of records document land transactions and monitoring actions relating to the original allotments, land allotment case files and assignments, and allotment for trust status not owned by individual Indians. These records series also contain the documents that provide for the legal descriptions of the land, *e.g.* land plat and tract books, and cadastral surveys and maps. The 4600 series also includes records that document the changes of ownership (probate and heirship files), leasing of the land to others, such as right-of-ways, mining contracts, leases and agreements, billing and payment statements, and grazing leases along with herd vaccination reports and vaccination compliance requests. The realty records reviewed included documents relating to the accountability of the agency for monitoring the ownership of allotted and trusts lands.

Contents of the records reviewed include: DOI Office of Hearings and Appeals (OHA) approval of last will and testament; real property value and public domain allotment information; OHA notices to creditors; correspondence; copy of Bureau of Land Management (BLM) Native Restricted Trustee Deed; form titled 'Data for Heirship Finding and Family History;' reports on all activities and improvements on land; mylar maps of reservation boundaries as prepared by BLM; land acquisition maps showing township and reservation boundaries; right-of-way files showing location, land owner, lesser, terms, and damages; town lot use permits, including property description, rental fees, and lessee information; real estate appraisal reports; feasibility and marketability studies; long range development plans; mineral lease activity reports; oil and gas pipeline information; printouts of electronic mail messages, word processing documents, and spreadsheets; and related land information.

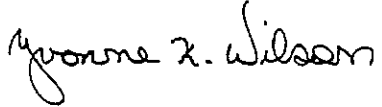
The following previously existing records series were not available for review: item 4603, Land Assignments; item 4604, Patents, Fees and Certificates of Competency; item 4608, Aborted Land Transactions Files; item 4611, Initial Observations of Land Survey Field Notes; item 4614, Acquired Sub-Marginal Land Books; item 4619, Oil Well Records; item 4623, Real Property Insurance; item 4625, Real Estate Appraisal Reference Files; item 4626, Real Estate Market Data Card Files; and item 4644, Indian Trust Land Mortgages. The NARA team was also not able to examine 11 new series and subseries of records at Lee's Summit, but has some field appraisal experience with Unresolved Rights Cases-Statute of Limitations/Unresolved Rights Cases-Litigation and Non-Litigation (items 4646a and 4646b); Recordation Logs (item 4647); Title Documents (item 4648); Individual and Tribal Tract Files (item 4649); Identification and Research Records (item 4650); Land Status Maps, General Land Office Plats, and Land Acquisition (item 4651); Land Index File (item 4652); Probate Documents (item 4653); Rights-of-Ways (item 4654); and Abstract of Title (item 4655). Even though these records series were not examined, the NARA team recommends the permanent retention of these records.

The following records series were withdrawn from NARA Job No. N1-75-89-1: item 4612, Cadastral Surveys; item 4632, Range Heir Files; item 4634, Master Land Description File; item 4635, Land Chain of Title Plant File; item 4636, Individual Chain of Title Files; item 4637, Range Land File; item 4638, Indian Land Information System; item 4639, Lease Distribution System Files; item 4640, Range Permittee Payment System; item 4641, LRIS Geographic Location; and item 4642, LRIS Reservation Directory. Several of these items were originally withdrawn because NARA was not provided sufficient information in 1989 about the textual and electronic records in order to conduct an appraisal. Those items listed above that are either textual inputs to or outputs from the Land Records Information System (LRIS), are covered under new or revised file codes in this records schedule. The electronic records items have been submitted to NARA as part of the Land Records Information Management (LRIS) system, NARA Job No. N1-075-03-5. Except for item 4612, Cadastral Surveys, the remaining textual records series listed in this paragraph were not located in the Lee's Summit holdings and were not examined by the NARA team. Even though they were not examined, these series of records are no longer in withdrawn status and instead will be treated as permanent.

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 land-related 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 Real Estate Services and Land, Title and Records Office (LTRO) 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 4600 series. I recommend approval of this records schedule.



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