

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
ELOUISE PEPION COBELL, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DIRK KEMPTHORNE, Secretary of the )  
Interior, et al., )  
 )  
Defendants. )  
\_\_\_\_\_)

Case No. 1:96CV01285  
(Judge Robertson)

**NOTICE OF FILING OF INTERIOR DEFENDANTS'  
TWENTY-EIGHTH STATUS REPORT**

Interior Defendants hereby give notice of the filing of their twenty-eighth report due in accordance with the Order of December 21, 1999.

A copy of the report is attached hereto.

Dated: February 1, 2007

Respectfully submitted,  
PETER D. KEISLER  
Assistant Attorney General  
STUART E. SCHIFFER  
Deputy Assistant Attorney General  
J. CHRISTOPHER KOHN  
Director

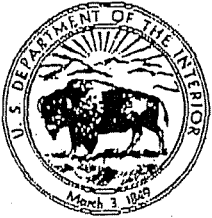
/s/ John J. Siemietkowski  
ROBERT E. KIRSCHMAN, Jr.  
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CERTIFICATE OF SERVICE

I hereby certify that, on February 1, 2007 the foregoing *Notice of Filing of Interior Defendants' Twenty-eighth Status Report* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)  
Blackfeet Tribe  
P.O. Box 850  
Browning, MT 59417  
Fax (406) 338-7530

/s/ Kevin P. Kingston  
Kevin P. Kingston



THE SECRETARY OF THE INTERIOR  
WASHINGTON

FEB 01 2007

J. Christopher Kohn  
U.S. Department of Justice  
Civil Division  
Commercial Litigation Branch  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875

Re: Cobell v. Kempthorne – Status Report to the Court Number Twenty-Eight

Dear Mr. Kohn:

Enclosed is the Department of the Interior's *Status Report to the Court Number Twenty-Eight (For the Period October 1, 2006 through December 31, 2006)*. Please forward a copy to the Court.

My signature on this report reflects my reliance on the assurances of those who have compiled the report that the information contained herein is accurate.

Thank you for your assistance.

Sincerely,

DIRK KEMPTHORNE

Enclosure

# **Status Report to the Court Number Twenty-Eight**

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**For the Period  
October 1, 2006 through December 31, 2006**



**February 1, 2007**

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**INTRODUCTION**

This *Status Report to the Court Number Twenty-Eight* (Report) represents the period from October 1, 2006, through December 31, 2006. The Report is presented for the purpose of informing the Court of actions taken since the issuance of the preceding quarterly report. The Report includes delays in and obstacles to trust reform activities. A report on the progress of the historical accounting of individual Indian beneficiary funds managed by Interior is a primary part of the Report.<sup>1</sup>

This Report is prepared in a manner consistent with previous reports to the Court. Managers from the Office of Historical Trust Accounting, Office of the Special Trustee for American Indians, Office of the Chief Information Officer, Bureau of Indian Affairs, Bureau of Land Management, and Minerals Management Service submit reports on the status of their respective Indian trust activities.

A glossary of acronyms and abbreviations is included in this Report. The glossary is located at the end of the Report.

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<sup>1</sup> This Report contains information on the broad trust reform efforts underway at Interior. Accordingly, it may include information on reform efforts that are not within the scope of the *Cobell* litigation.

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**I. OFFICE OF HISTORICAL TRUST ACCOUNTING**

**Introduction**

OHTA was established by Secretarial Order No. 3231 on July 10, 2001, and is charged with planning, organizing, directing and executing the historical accounting of IIM and tribal trust accounts. OHTA's historical accounting includes all transactions in IIM accounts open on or after October 25, 1994 (the enactment date of the American Indian Trust Fund Management Reform Act), through December 31, 2000. OST has issued quarterly account statements since the end of 2000.

**Current Status**

**Land-Based IIM Transactions**

On December 31, 2006, NORC, a statistical contractor to OHTA, issued a Memorandum to supplement its September 30, 2005, report, *Reconciliation of the High Dollar and National Sample Transactions from Land-Based IIM Accounts (All Regions)*, to include the additional reconciliation results for 277 High Dollar transactions, reconciled since September 30, 2005. NORC's update reported no change to the statistical conclusions in its 2005 Report. The Report highlights were reported in *Status Report to the Court Number Twenty-Three*. Under- and over-payments are both small in dollars and number, occur at about the same rate, and the distribution of the differences is statistically equivalent (whether the differences were under or over the recorded amount).

As previously reported, land-to-dollars pilot tests were commenced at the BIA Horton and Colville agencies. These tests are designed to detect whether all surface or subsurface revenues were recorded in the IIM Trust Fund systems. The Horton test has been completed and the statistical analysis and accompanying report is expected to be completed during the next reporting period. The Colville pilot continues and is expected to be completed by the end of FY2007.

**Treasury and GAO Settlement Process**

OHTA continues to research and examine Indian trust records from the pre-1985 Paper Records Era in order to determine the accuracy and reliability of transactions that may be included in Historical Statements of Account. In addition to historical audit and reconciliation studies previously reported, Treasury regularly examined, settled, and certified Indian Service Special Disbursing Agents' accounts containing IIM transactions from the early 1890s through 1920, and GAO performed the same work from 1921 through 1950. Over 20,000 Treasury and 31,000 GAO account settlement packages have been located at the NARA Archives II facility in College Park, Maryland. These packages represent a new opportunity to understand earlier accounting periods.

## ***STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT***

**February 1, 2007**

**Office of Historical Trust Accounting**

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A stratified random sample of 90 settlement packages was selected from each of the Treasury and GAO periods and reviewed by a professional independent public accounting firm under contract to OHTA. These packages include Certificates of Settlement stating that Treasury and GAO examined the ISSDAs' transactions for the period, including IIM and Tribal Trust Funds, as well as other government-appropriated monies handled by ISSDAs at BIA agencies.

The accounting firm found that the Treasury and GAO auditors checked the collection schedules against leases and other source documents, and checked disbursements against cancelled checks. On the basis of OHTA's examination of documents in the account settlement packages, the accounting firm also found that all errors discovered in the examination, settlement and certification process were resolved consistent with standard accounting practices of the time.

NORC completed its statistical analysis of the sampled ISSDA account settlement packages. Based on its analysis, NORC's findings indicate that Treasury and GAO systematically examined, settled, and certified the balance of ISSDA accounts containing IIM transactions regularly and continually between 1890 and 1950. OHTA expects that NORC will complete its report during the next reporting period.

### **Judgment and Per Capita IIM Accounts**

In accordance with the 2003 Plan, Interior has reconciled all transactions in more than 83,000 Judgment and Per Capita IIM accounts. These accounts generally consist of a single credit transaction and periodic interest postings. Because numerous accounts are usually associated with each Judgment or Per Capita distribution, by reconciling a payment in one account, Interior can also reconcile all the related accounts. Because most Judgment and Per Capita IIM accounts have one credit posting and many interest postings, as part of the reconciliation process, Interior recalculated the interest posted to each account.

OHTA continues to perform historical accounting procedures on Judgment and Per Capita IIM accounts. During this reporting period, OHTA reconciled an additional 2,682 Judgment IIM accounts and 216 Per Capita accounts.

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**February 1, 2007**

**Office of Historical Trust Accounting**

Results through December 31, 2006, are summarized in the table below.

	<u>Judgment Accounts</u>		<u>Per Capita Accounts</u>	
	<u>Number of Accounts</u>	<u>Percent of Total</u>	<u>Number of Accounts</u>	<u>Percent of Total</u>
Total at December 31, 2000 (including accounts open at or after October 25, 1994, but closed prior to December 31, 2000)	80,539	--	19,033	--
Reduction for accounts coded incorrectly as Judgment or Per Capita accounts -				
- Reduction through September 30, 2006	(901)	--	(28)	--
- Reduction identified in this reporting period	(1,820)	--	--	--
Total after reductions	77,818	100%	19,005	100%
Reconciled January 1, 2001, through September 30, 2006	(63,012)	(81%)	(17,316)	(91%)
Reconciled this reporting period	<u>(2,682)</u>	<u>(3%)</u>	<u>(216)</u>	<u>(1%)</u>
Remaining to be reconciled at December 31, 2006	<u>12,124</u>	<u>16%</u>	<u>1,473</u>	<u>8%</u>

**Mailings to Judgment and Per Capita IIM Account Holders**

As previously reported, on March 9, 2006, a fourth submission for permission to mail 20,402 Historical Statements of Account was filed with U.S. District Court. The third submission to mail 28,107 Historical Statements of Account was filed on March 24, 2005. Mailing of these 48,509 Historical Statements of Account still awaits approval from the Court.

**System Tests - Confirming Accuracy of Electronic Records Era Accounting**

Data completeness validation is a process consisting of three tests (Transaction Mapping, Balance Comparison, and Account Number Tests), which are designed to detect accounts and transactions missing from the electronic data set, as well as potential posting errors. During FY2006 and continuing in this reporting period, this activity has provided assurance for the accuracy of transactions and accounts in the Electronic Records Era (1985-2000).

**Interest Recalculation**

To date, interest recalculation (the verification of interest accruals to IIM accounts) has been performed on all reconciled Judgment and Per Capita IIM accounts, as well as Land-Based accounts in the Alaska Region. All semi-annual and monthly interest accruals will be recalculated and compared to actual interest postings in the IIM Trust Fund for each Land-Based IIM account receiving a Historical Statement of Account. An interest factor was determined for each time period by OTFM, may vary by period and is based upon the IIM Trust Fund investment pool earnings.

**OHTA SDA Distribution Project - Undistributed SDA Balances at December 31, 2002**

SDA are temporary accounts for the deposit of trust monies that could not immediately be credited to the proper owners. The SDA project has two phases: the retrospective (pre-January 1, 2003, receipts) and the prospective (post-December 31, 2002, receipts). OHTA has responsibility for “resolution” (i.e., research and distribution of funds) of the retrospective phase, while BIA has comparable responsibility for the prospective phase. This section of the report to the Court addresses only the retrospective phase.

During this reporting period, 53 SDA involving \$206,653 were resolved and distributed. There remain 11,414 SDA involving \$16,790,541 to resolve and distribute. Distributions of SDA balances to the owners during the period January 1, 2003, through December 31, 2006, total \$42,398,061, including interest of \$3,319,329 posted from January 1, 2003, through the date of distribution. Of the SDA remaining at December 31, 2006, 7,965 accounts have balances less than \$500 (70% of SDA) involving \$661,710 (2.5% of SDA dollar balances). This *Status Report to the Court Number Twenty-Eight* incorporates the addition of 32 SDA to the OHTA SDA population with December 31, 2002, aggregate balances of \$377,482.

**Imaging/Coding - Individual Indian Trust Documents**

OHTA and its contractors continue to collect and image IIM transaction documents and encode the data to be used to perform the historical accounting. The imaging process converts the original paper records into electronic images. The coding process captures specific identifying information, such as an IIM account number, from an imaged document so that the imaged document can be retrieved at a later time. A document may consist of several related records (images) that can be grouped together for further analysis. All coded documents are quality-control checked for accuracy before they are loaded into the Accounting Reconciliation Tool for analysis.

In December 2006, OHTA provided revisions to the OHTA draft *Coding and Imaging Manual (Manual)*, dated November 1, 2004, with proposed changes to OHTA's staff and contractor personnel for comment. These changes reflect necessary updates to coding IIM records and incorporate new coding requirements for tribal records. The *Manual* formalizes the imaging and

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

**Office of Historical Trust Accounting**

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coding process for various Indian trust records. OHTA expects to issue an updated *Manual* during the next reporting period.

During this reporting period, OHTA completed imaging 158,224 IIM pages and loading 41,300 IIM documents into the ART. As of December 31, 2006, ART contained 8.9 million coded IIM images and 6.3 million coded tribal images (15.2 million total coded IIM and tribal images). In addition, 160,625 tribal documents were loaded into ART during this reporting period. These images constitute 2.1 million IIM and tribal documents.

### **OHTA's Federal Records Management**

OHTA is currently working with NARA staff on the transfer of the ART data and documentation to NARA's Electronic and Special Media Records Services Division in College Park, MD. Transfer of the system data and system documentation is expected to occur during the next reporting period.

Additionally, during this reporting period, OHTA prepared 75 cubic feet of inactive records to be transferred to AIRR for indexing, and permanent storage and preservation.

### **Historical Accounting Plan for Individual Indian Money Accounts**

Interior expects to issue a revised Historical Accounting Plan for IIM accounts during the next reporting period. The 2003 Plan will be revised based on lessons learned from work already completed, court decisions, statistical sampling parameters, accounting costs and congressional funding.

### **Delays and Obstacles**

The 109th Congress did not pass an Interior appropriations bill for FY2007, and OHTA is operating under a continuing resolution of \$21,353,000 versus the FY2006 appropriation of \$56,353,000. If this funding level remains in place, this reduction is a substantial obstacle to historical accounting progress and will extend project completion dates.

### **Assurance Statement**

I concur with the contents of the information contained in the Office of Historical Trust Accounting section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 31, 2007

Name: *Signature on File*  
Bert T. Edwards, Executive Director  
Office of Historical Trust Accounting

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**II. OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS**

**Introduction**

The Office of the Special Trustee for American Indians was created by the American Indian Trust Fund Management Reform Act of 1994. The 1994 Act provides direction to the Department of the Interior on accounting for Indian trust funds and reforming the operation of the Indian fiduciary trust. The Special Trustee's responsibilities under the Act include creating a comprehensive strategic plan for the operation of the trust and providing oversight of the accounting for Indian trust funds and the reform of the trust.

**Special Trustee's Observations**

**GAO Report**

In December 2006, the United States Government Accountability Office issued a report on the activities of the Office of the Special Trustee for American Indians. In its report, GAO stated:

OST has implemented several key trust fund management reforms, but has not prepared a timetable for completing its remaining trust reform activities and a date for OST's termination, as required by the 1994 Act. OST estimates that almost all key reforms needed to develop an integrated trust management system and to provide improved trust services will be completed by November 2007.

The report goes on to list the critical trust reforms that have been implemented, including the trust funds accounting system, trust asset management system, trust land title system, and OST's ongoing work to validate all BIA systems back to source documents to ensure the integrity of all integrated systems. Although the report states that almost all reforms will be in place by November of 2007, it is expected that final validation of land titles for non-income producing land interests will not be completed until the end of FY2009.

The primary criticism of OST is that the Comprehensive Trust Management Plan developed in January 2003 did not contain a date by which all the reforms were expected to be completed. However, as explained in the CTM, it was impossible to know the degree of difficulty or kinds of obstacles that OST might experience in implementing the CTM until more information was known about the local BIA agencies and regional offices. As a result of the work that has been completed, OST expects to "provide the Congress with a timetable for completing the trust reforms and a plan for future trust fund operations once reforms are completed," as recommended by GAO. OST expects to have this information available by the end of FY2007 and will so advise the Congress.

GAO also recommended that OST develop a workforce plan that would be implemented following completion of the reform effort. OST expects to have a workforce plan developed by the end of FY2007. While the plan will anticipate what an appropriate staffing level should be

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

**Office of the Special Trustee for American Indians**

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following reforms, it must be understood that the plan may be modified in the future to accommodate changes Congress or the Administration might make in the Indian fiduciary trust laws and regulations.

### **Trust Reform Initiatives**

During this reporting period, validation and verification of information contained in various BIA systems continued. Conversion of those systems to new software, business processes and procedures to conform to the FTM continued and is expected to be complete for all income producing accounts at BIA agencies by the end of FY2007. Following these conversions, validation and verification activities, primarily at the BIA title plants, is expected to continue through FY2008 for those interests in land that currently are not producing income.

### **Congressional Action**

Although Congress has extended the continuing resolution through February 15, 2007, it appears that Congress will continue funding for FY2007 at the same level as FY2006, after the expiration of the continuing resolution. This level of funding would be sufficient to continue the work of OST as planned, including OHTA and ILCP.

### **Assurance Statement**

The comments and observations are provided by the Special Trustee for American Indians and reflect the opinion of the Special Trustee only.

Date: January 29, 2007

Name: *Signature on File*  
Ross O. Swimmer  
Special Trustee for American Indians



**A. TRUST SERVICES – CURRENT ACCOUNTING**

**Introduction**

Current accounting activities focus on: (a) the trust funds accounting system; (b) special deposit accounts; (c) whereabouts unknown accounts; and (d) small balance accounts.

One of the mandates implicit in the 1994 Act is to provide adequate systems for tracking and managing trust assets. Interior converted to a new trust funds accounting system, TFAS, in April 2000. The system is used by seven of the ten largest commercial trust departments in the United States. TFAS allows Interior to reconcile with Treasury and value financial assets on a daily basis, invest with Treasury and meet the statement of performance requirements outlined in the 1994 Act.

Interior next converted its title records to an updated, automated title system, TAAMS Title, which was completed in CY2005. Currently, Interior is in the process of converting the legacy leasing systems to the TAAMS lease management module. Once locations are converted to the TAAMS lease management module, encumbrance and ownership information is reflected in TFAS. Then, using the information reflected in TFAS, funds received at the lockbox<sup>2</sup> can be distributed and statements of performance can be generated.

SDA are temporary accounts for the deposit of trust funds that cannot immediately be credited to the proper account holders. As explained in the BIA/OST Interagency Procedures Handbook, this type of account is to be used only as an exception to the rule that trust funds immediately be deposited to the credit of, and then distributed as soon as practicable to, the individual and tribal beneficiaries. The SDA project has two sub-projects: the retrospective (pre-January 1, 2003, receipts) and the prospective (post-December 31, 2002, receipts) phases. OHTA has responsibility for “resolution” (i.e., research and distribution of funds) of the retrospective phase, while BIA has comparable responsibility for the prospective phase. This section of the report to the Court thus addresses only the prospective phase.

Accounts are classified as WAU for many reasons. New accounts (for financial and nonfinancial assets) are sometimes established without an address, often as a result of probate. Sometimes account holder statements are returned due to an invalid address, or an account holder refuses or does not claim mail. A variety of methods and means are used to locate WAU account holders.

Small balance accounts are defined as those with balances of \$.01 - \$1.00 and no activity in the preceding eighteen months. Management expenses for these accounts are considerable, in part because (as directed by Congress) annual statements must be sent to these account holders.

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<sup>2</sup> “Lockbox” represents the process of using a post office box that the contractor or bank maintains to receive proceeds for the sale or use of trust lands, which are then deposited for distribution to the beneficiaries.

**a. Trust Funds Accounting System**

**Current Status**

During this reporting period no additional regions or agencies were converted. The next scheduled conversion is expected to occur in March 2007. All regions and agencies are scheduled for conversion by September 30, 2007. The interface between TAAMS and TFAS allows for quarterly account statements of performance, which include ownership and encumbrance information of trust assets managed at the converted agencies.

**b. Special Deposit Account Activity**

**Current Status**

BIA has the responsibility for distribution of SDA funds received since January 1, 2003 (prospective receipts). It is the policy of BIA to distribute funds within 30 days of receipt into SDA. During this reporting period, there were 6,011 receipt transactions posted to SDA.

During this reporting period, aged funds (those held in SDA longer than 30 days) were held in 132 fewer SDA than in the previous reporting period. Undistributed aged receipts increased by 129. However, the combined dollar amount decreased by \$153,226.47. As of December 31, 2006, aged SDA totaled \$1,076,367.96, which represented 3,374 undistributed receipts. As of December 31, 2006, there were 726 receipts in 130 SDA aged more than one year totaling \$459,335.86.

During this reporting period, OST staff and contractors assisted BIA staff in performing work necessary to distribute aged and current receipts at the Fort Hall, Fort Belknap, Northern Idaho, Eastern Navajo and Wind River Agencies, as well as the Navajo Region and the Federal Indian Minerals Office.

**Delays and Obstacles**

Resolution of SDA totaling over \$267,000 is delayed by ongoing activities, including adjudication of range rates, need for cadastral surveys, need for SOL opinions, and other litigation-related matters.

Inability to use the Internet also continues to delay access to information useful to resolving SDA.

**c. Whereabouts Unknown Accounts**

**Current Status**

Priority continues to be placed on securing current addresses for account holders of the rolling

## STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT

February 1, 2007

Trust Services – Current Accounting

top 100 highest dollar balance WAU accounts. During this reporting period, 9 of the top 100 WAU accounts, with combined account balances in excess of \$582,000 were updated with current addresses.

During this reporting period, 4,159 accounts with a combined balance of \$1.9 million were added to the WAU list, and 3,200 account holders with a combined balance of \$3.8 million were located.

As of December 31, 2006, there were 54,858 WAU accounts with a combined balance of \$63,281,709.91. The following table illustrates the number of accounts stratified by account balance and WAU category.

Account Balance	Correspondence/ Check Returned	Account Setup No Address	Awaiting Address Confirmation	Refused/ Unclaimed Mail	Total
Equal to or over \$100,000	12	8	0	0	20
Under \$100,000 and equal to or over \$50,000	34	12	0	0	46
Under \$50,000 and equal to or over \$5,000	2,163	724	0	1	2,888
Under \$5,000 and equal to or over \$1,000	5,717	1,422	0	3	7,142
Under \$1,000 and equal to or over \$100	8,288	3,015	7	0	11,310
Under \$100 and equal to or over \$1	12,517	5,106	13	2	17,638
Under \$1	4,366	11,424	23	1	15,814
<b>Total</b>	<b>33,097</b>	<b>21,711</b>	<b>43</b>	<b>7</b>	<b>54,858</b>

### Delays and Obstacles

Due to implementation of the FTM, accounts continue to be created in TFAS for non-financial asset owners in order to generate asset statements. Many of these owners do not have current addresses. As a result, the total number of WAU has increased. After the FTM conversion is completed, however, the rate of increase of WAU is expected to stabilize. The accounts categorized as WAU will then mainly consist of accountholders that cannot be located, accountholders that have moved without a forwarding address, and accounts that are established without an address for heirs of a probate or recipients of per capita distributions.

The lack of Internet access limits communication effectiveness. OST and its contractor must rely primarily on mail and telephone communication with IIM account holders.

**d. Small Balance Accounts**

**Current Status**

As of December 31, 2006, there were 24,454 accounts that have a \$.01 - \$1.00 balance with no activity for the previous 18 months. The total sum included in those accounts is \$7,305.34. Statements are sent to account holders for these accounts on an annual basis pursuant to direction from Congress.

**Assurance Statements**

I concur with the content of the information contained in the Whereabouts Unknown Accounts subsection of the Current Accounting Activities section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this subsection is accurate to the best of my knowledge.

Date: January 23, 2007

Name: *Signature on File*

Bryan Marozas  
Program Manager, Beneficiary Call Center  
Office of the Special Trustee for American Indians

I express no opinion on the content of the Whereabouts Unknown Accounts subsection, above. I concur with the content of the information contained in the balance of the Current Accounting Activities section of the *Status Report to the Court Number Twenty-Eight*, and this information is accurate to the best of my knowledge.

Date: January 24, 2007

Name: *Signature on File*

Margaret Williams  
Deputy Special Trustee, Trust Accountability  
Office of the Special Trustee for American Indians

**B. OFFICE OF TRUST RECORDS**

**Introduction**

The Office of Trust Records was established in 1999 to develop and implement a program for the economical and efficient management of trust records, consistent with the 1994 Act, the Federal Records Act and other statutes and implementing regulations. The OTR records management program has been developed and implemented, and continues to evolve, to ensure that necessary Indian records are maintained, records retention schedules are consistent with retention needs, and records are safeguarded throughout their life-cycles.

**Accomplishments and Completions**

**American Indian Records Repository**

The American Indian Records Repository was built by Interior in collaboration with NARA for the purpose of consolidating and preserving Indian records at one NARA regional records center. The facility, located in Lenexa, Kansas, opened in May 2004. Prior to the opening of AIRR, Indian records were stored in various NARA regional records centers, BIA, and other government facilities across the United States. All Indian records from the NARA centers have been shipped to AIRR, while records continue to be collected from the other locations for shipment to AIRR. Indian records are indexed at the AIRR Annex before being transferred to AIRR for storage. A file level index of the contents of each box is stored in an electronic data base called the Box Index Search System.

Approximately 4,030 boxes of inactive records were moved from BIA/OST field locations to the Lenexa Annex for indexing during this reporting period. Indexing of approximately 151,675 boxes has been completed as of the end of this reporting period. Approximately 150,745 indexed boxes have been sent to AIRR for permanent storage.

**Training**

OTR provided records management training for 107 BIA and OST records contacts and 51 tribal employees during this reporting period. OTR provided records management training to Tribes as they requested training.

**Current Status**

**Safeguarding Records**

As previously reported, since June 2005, NARA has completed remediation of all but six of the previously-reported 283 boxes of inactive records that were damaged or contaminated by mold, mildew, mouse droppings or other adverse elements.

## ***STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT***

**February 1, 2007**

**Office of Trust Records**

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The materials NARA could not repair consisted of one box that has about 25% of its contents covered with a tar-like substance; one entire box that had mold and the files are stuck together; and one box of green bar printouts from 1989 oil and gas royalty disbursements that have holes in the printout caused by insects. Three boxes have extensive water damage and the contents are stuck together. Although NARA recommended that the documents should not be separated, an independent conservator indicated that it would be possible to salvage some of the information through physical stabilization or recovery of the information through reproduction techniques.

In November 2006, OTR's conservation contractor conducted an in depth review of the box contents and drafted a remediation plan. OTR has determined that there are two boxes that may contain trust records and should undergo repair/conservation. The other boxes do not contain trust records and will be stored at the AIRR without remediation treatment. Based on the contractor's estimate, the remediation and conservation work, which will be labor intensive, is expected to be completed by the end of February 2007.

Also, as previously reported, NARA recommended copying for preservation purposes of maps from eight oversized boxes. However, several of the large maps are too big for NARA's copiers. Remediation of these maps by the contractor is expected to be completed by February 2007. OTR will review the maps once they have been treated and make a determination whether the maps should be copied using other methods.

### **Records Retention Schedules**

Records retention schedules for the following BIA electronic records systems were completed in the previous reporting period and were forwarded to NARA in November 2006: National Irrigation Information Management System, PC Lease, San Carlos Irrigation Project, Document Management Program, and Integrated Transportation Information Management System. The BIA Geographic Information System records retention schedule continues to await approval by the Archivist of the United States.

Records retention schedules for the following BIA electronic records systems were developed and forwarded to NARA during the last week of December 2006: Social Services Assistance System, Progeny, Facilities Management Information System, Fee-to-Trust, Identity Information System, National Integrated Oil and Gas Electronic Management System, Timber Sales Accounting and Report Program/Operations Inventory and Colorado River Electrical Utility Management System.

Records retention schedules for the following OST electronic records systems were developed and forwarded to NARA during the last week of December 2006: Risk Management Plus, Trust Beneficiary Call Center, and Lockbox/Trust Funds Receivable Application.

Paper records retention schedules for the following OST offices were completed during the previous reporting period and were circulated for review by OST managers during this reporting period: Office of the Principal Deputy Special Trustee; Office of External Affairs; Office of the Chief Information Officer; Office of Budget, Finance and Administration; Office of the Deputy

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**February 1, 2007**

**Office of Trust Records**

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Special Trustee, Trust Accountability; Office of the Deputy Special Trustee, Field Operations; and Office of the Deputy Special Trustee, Trust Services. It now is anticipated that the schedules will be forwarded to NARA in the next reporting period.

**Delays and Obstacles**

Lack of Internet access continues to hinder OTR's ability to provide remote access to the record index database for authorized users of the records. If Internet access were available, authorized researchers could conduct their searches from their respective work sites and only visit AIRR when necessary to inspect specific boxes or request documents from specific boxes.

**Assurance Statement**

I concur with the content of the information contained in the Office of Trust Records section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 12, 2007

Name: *Signature on File*

Ethel J. Abeita

Director, Office of Trust Records

Office of the Special Trustee for American Indians

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**C. TRUST ACCOUNTABILITY**

**1. TRUST BUSINESS PROCESS MODELING**

**Introduction**

Interior is working to build a highly effective fiduciary trust services organization by implementing the business objectives contained in the Comprehensive Trust Management Plan. The CTM laid the groundwork for the development of the Fiduciary Trust Model. The FTM is being implemented to transform the current trust business processes into more efficient, consistent, integrated and fiscally responsible business processes that meet the needs and priorities of the beneficiaries. Implementation of the FTM is a collaborative effort of BIA, OST, BLM, MMS and OHA, and is integrated with Interior's other trust reform initiatives.

**Accomplishments and Completions**

The draft BIA Procedural Handbook for Minerals has been completed and delivered to BIA for review. This draft includes procedures and workflows for Fluid and Solid Minerals; Coal; and Sand, Gravel & Aggregates.

During this reporting period, OST reengineering staff provided conversion support for the lockbox receipting process to personnel at 19 BIA locations. This support includes an overview of the lockbox receipting process, related support systems and reporting tools.

**Current Status**

During this reporting period, drafting began on regulations related to minerals, 25 CFR Parts 200-207.

During the next reporting period, drafting is expected to be completed for BIA review of the following handbooks/chapters related to Land Conveyances (25 CFR 152): Sales and Exchanges of Tribal Trust or Restricted Land; Negotiated Sales, Gifts and Exchanges of Individually Owned Land; Tribal Tract Purchases; and Consolidation by Sale of Highly Fractionated Tracts.

**Delays and Obstacles**

Lack of Internet access impedes communication with other trust bureaus and offices, and hinders the expansion of reengineered processes that utilize the Internet. This exacerbates the complexity of reengineering the existing trust business processes.

**Assurance Statement**

I concur with the content of the information contained in the Trust Business Process Modeling section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2007

Name: *Signature on File*

Margaret Williams

Deputy Special Trustee, Trust Accountability

Office of the Special Trustee for American Indians

## **2. TRUST DATA QUALITY AND INTEGRITY**

### **Introduction**

The success of trust reform depends, in part, on the accuracy of data generated from the maintenance of trust assets, ownership of trust assets, distribution of trust income, and management of trust accounts. The DQ&I project focuses on three primary initiatives. The first initiative is assisting BIA with document encoding into TAAMS Title and TAAMS Leasing. Currently, BIA is converting to TAAMS Leasing, which tracks the use of Indian trust land. BIA completed its conversion to TAAMS Title, used to record Indian trust land title activity.

The second initiative involves the validation and correction of critical data elements (CDE) to their respective source documents. CDE are defined as those trust data elements that are needed to provide: (1) timely and accurate payments to beneficiaries; (2) timely and accurate transaction listings and asset inventories to beneficiaries, and (3) effective management of the assets. Examples of CDE are beneficiary name, account number, tract identification number, and land ownership interests.

The third initiative is implementation of a Post-QA process. The Post-QA process compares the encoded CDE in TAAMS to the CDE in the respective source document(s). The purpose of performing Post-QA is to help ensure the ongoing accuracy of CDE encoded into TAAMS.

### **Accomplishments and Completions**

During this reporting period, TPMC's contractors completed:

#### **Research**

- Research of land ownership interest variances for Yakama (3,284), Uintah and Ouray (11,157) and Pima Agencies (36,981). Land ownership interest variance research compares the landowners' name, ID number and fractional land ownership interest as shown in TAAMS for a particular land tract and like information in a BIA legacy realty system, such as IRMS. Typically, variances were the result of: one system being more current than the other; the same individual having different landowner ID numbers in each system, or the same individual having different fractional land ownership interests in each system. Research was then conducted to identify the cause of the variance and a recommendation was made to the BIA for correction. BIA then is responsible for making any corrections to TAAMS.
- Research of non-enrolled ID number variances for Colorado River (1,401), Fort Yuma (537), Papago (507) and San Carlos Agencies (273).
- Verifying the accuracy of landowner ID numbers associated with 78 probate orders for the SPRO LTRO. The remainder of this task was assumed by BIA.

**Encoding**

- Encoding of surface leases for GPRO LTRO (793) and Fort Yuma Agency (348). Encoding involves entering data into TAAMS. Required information is entered into TAAMS by referring to the original surface lease document and any subsequent modifications.
- Encoding of ROW documents for Uintah and Ouray Agency (235). This task was assumed by BIA.
- Encoding of Global ID updates for SPRO LTRO (730). Historically, some beneficiaries have been assigned multiple landowner ID numbers. Where applicable, current requirements call for one unique landowner ID number to be used in TAAMS. For this task, research was conducted to identify all multiple landowner ID numbers assigned to a beneficiary. BIA then designated one landowner ID number for future use. Then all TAAMS land ownership interests and transactions were linked to the designated landowner ID number.

**CDE Validation & Corrections**

- Performing CDE validation and corrections on 496, for a total of 1,066, Shawnee Agency trust land tracts and corrected 2,666, for a total of 4,615 CDE variances. Completed 163, for a total of 429, Horton Agency land tracts and corrected 423, for a total of 1,036 CDE variances. Finished 723, for a total of 815, Pawnee Agency land tracts and corrected 1,860, for a total of 2,021 CDE variances.

**Post-QA Review**

- Post-QA review implementation at the Alaska LTRO.

**Current Status**

The DQ&I Project staff continue to assist BIA with TAAMS Leasing conversion efforts by:

- Encoding ROW documents for RMRO LTRO (1,919), GPRO LTRO (826), Fort Yuma Agency (111), Papago Agency (71) and Palm Springs Agency (357).
- Encoding 139 surface leases for Papago Agency and 215 oil and gas leases for FIMO.
- Encoding 104 probate orders into RDRS for Concho Agency.
- Applying payment schedules in TAAMS for 227 surface leases at Fort Hall Agency.
- Conducting Post-QA review of land title and realty transactions encoded into the trust

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**Trust Data Quality and Integrity**

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systems for the following locations: Anadarko Agency, Concho Agency, Pima Agency, San Carlos Agency, GPRO LTRO, NWRO LTRO, PRO LTRO, RMRO LTRO, SPRO LTRO and SWRO LTRO. The contractor reviewed 17,639 transactions during the quarter bringing the cumulative total to 100,412 transactions.

**Delays and Obstacles**

Lack of access to the Internet has resulted in: (1) communication delays; (2) adverse project coordination issues; (3) increased administrative program costs; and (4) the overall DQ&I project being unable to take full advantage of available information technology.

**Assurance Statement**

I concur with the content of the information contained in the Trust Data Quality and Integrity section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2007

Name: *Signature on File*

John E. White

Trust Reform Officer, Trust Accountability

Office of the Special Trustee for American Indians

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**3. INDIAN FIDUCIARY TRUST TRAINING PROGRAM**

**Introduction**

Interior has a continuing responsibility to provide adequate staffing, supervision and training for trust fund management and accounting activities. Fiduciary trust training is essential to the success of Interior's trust reform efforts and forms an integral part of all training for Interior employees who are involved in the management of Indian trust assets.

**Accomplishments and Completions**

The Cannon Financial Institute presented two Certification Review & Tests courses for the *Certified Indian Fiduciary Trust Specialist* certification program to 29 OST, two BIA and one tribal personnel. All 32 passed the exams and were awarded their certifications.

**Current Status**

During this reporting period, Cannon Financial Institute personnel presented:

- One *Indian Fiduciary Trust Principles* course to 23 OST, BIA and tribal personnel. Completion of this course, passing an exam and reviewing a DVD entitled *Fiduciary Concepts* are requirements of the *Certified Indian Fiduciary Trust Analyst* certification.
- Eight specialty courses to 133 OST, BIA and tribal personnel. The specialty courses, *Risk Management, Probate, Trust Accounting, Asset Management, Fiduciary Behavior* and *Guardianships* are part of the *Certified Indian Fiduciary Trust Specialist* certification program.

During this reporting period, OST training staff conducted four training sessions for 69 OST, BIA, and contractor staff on the use of TFAS and related systems and reporting programs that include:

- CSS – used to enter, approve and post cash transactions;
- Stratavision – contains daily, weekly and monthly reports from OST systems for viewing by OST and BIA staff;
- Historical Query Database – contains account transaction history going back to 1985; and
- TFR – Trust Funds Receivable – used for tracking lockbox receipts.

OST and BIA staff presented three *Trust Fundamentals* courses to 70 OST, BIA, MMS, BLM, USGS, and tribal staff. This course includes such topics as the history and policy of Indian trust,

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**Indian Fiduciary Trust Training Program**

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current trust reform activities, job roles and responsibilities, and organization and working relationships.

**Delays and Obstacles**

The lack of Internet access inhibits electronic communication with other governmental agencies and contractors, hinders the research of training tools and potential contractors, and restricts OST's ability to access online training programs.

**Assurance Statement**

I concur with the content of the information contained in the Indian Fiduciary Trust Training Program section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 11, 1007

Name: *Signature on File*  
Dianne M. Moran  
Director, Office of Trust Training  
Office of the Special Trustee for American Indians



**4. RISK MANAGEMENT**

**Introduction**

The Deputy Special Trustee, Trust Accountability is responsible for overseeing OST's risk management program, which is implemented by the Trust Program Management Center.

TPMC risk management staff identify and document bureau and office programs, policies, procedures and processes, both trust and non-trust. TPMC staff also develop, operate and maintain risk-based management tools to support and monitor the risk levels and implementation of corrective actions. In addition, TPMC staff facilitate regular reviews of programs for OST to provide interim and annual statements of assurance for all trust-related activities.

**Accomplishments and Completions**

During this reporting period, statements of assurance for OST-OCIO and the Special Trustee for American Indians were finalized and accepted by PMB.

Statements of work for support of the (1) content and (2) operation and maintenance contracts for the RM-PLUS tool have been developed. NBC has solicited RFQs for the statements of work.

OST submitted its FY2007 priorities plan to PMB. The priorities plan identifies the several key steps that must be completed for OST's three-year risk management plan, which is coordinated with Interior's risk management effort for Indian trust.

**Current Status**

OST continues to review its RM-PLUS content for compliance with revised OMB Circular A-123 Appendix A requirements. These revisions became effective in FY2006 and include expanded requirements for documentation, monitoring and reporting.

- During this reporting period, OST submitted draft guidance to PMB for Indian trust bureaus and offices to meet the A-123 requirements. OST expects that PMB will finalize or update the guidance by the end of the next reporting period.
- RM-PLUS now contains, for management review, all OST corrective action plans as they relate to the findings from internal risk assessments, OIG, GAO, and OST's annual audit.
- As of October 1, 2006, OST had 45 open corrective action plans. During this reporting period, two plans were closed, 15 were updated, and 10 new plans were opened.
- OST continues to work with BIA's internal controls and planning group, which is responsible for BIA risk management, to enhance BIA's use of RM-PLUS.
- OST expects to continue to work throughout FY2007 with bureaus and offices that have trust content in RM-PLUS. OST expects to meet with those bureaus and offices during January.

**Delays and Obstacles**

The lack of Internet access complicates coordination among bureaus and offices, and hampers implementation and use of RM-PLUS, since it is designed as a web-based application.

**Assurance Statement**

I concur with the content of the information contained in the Risk Management section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2007

Name: *Signature on File*  
Margaret Williams  
Deputy Special Trustee, Trust Accountability  
Office of the Special Trustee for American Indians

**5. TRUST REGULATIONS, POLICIES AND PROCEDURES**

**Introduction**

The Office of Trust Regulations, Policies and Procedures was established on April 21, 2003, to assist Interior in establishing “consistent, written policies and procedures for trust fund management and accounting,” as stated in the 1994 Act. OTP oversees and facilitates the development, promulgation and coordination of trust-related regulations, policies, procedures and other materials to guide the proper discharge of Interior’s fiduciary responsibilities. OTP is separate from BIA’s Office of Planning and Policy Analysis, which is responsible for policies, procedures and regulations affecting all BIA activities. PPA activities thus are reported in the BIA section of the reports to the Court.

**Accomplishment and Completions**

During this reporting period the Reporting and Reconciliation DOP was approved and issued.

**Current Status**

Final issuance of the Osage Nation Account Maintenance DOP and the Osage Nation Disbursing DOP continued to be delayed due to pre-conversion activities and their impact on DOPs. These DOPs are now scheduled to be completed in the first quarter of CY2007.

OTP staff continues to: work with program offices to become more familiar with program processes; assess the current regulatory climate; and identify those directives which need changes, rescission, and/or reformatting to comply with the OST Directives System Handbook.

**Delays and Obstacles**

Lack of access to the Internet and its repository of online statutes, the Federal Register and other resources continues to present challenges to this office.

**Assurance Statement**

I concur with the content of the information contained in the Office of Trust Regulations, Policies and Procedures section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 16, 2007

Name: *Signature on File*

Philip Viles

Director, Office of Trust Regulations, Policies and Procedures

Office of the Special Trustee for American Indians

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## **D. TRUST REVIEW AND AUDIT**

### **Introduction**

OTRA reports directly to the Special Trustee for American Indians. OTRA was created by OST as a response to trust initiatives developed during the tribal consultation process of 2002. OTRA conducts performance audits, examinations and reviews of Interior entities as well as Tribes that manage fiduciary trust activities. Examinations are routinely conducted at locations that perform trust operations, and are planned to result in a performance rating. Also, compliance reviews are undertaken in response to information and complaints received from beneficiaries, employees and the public.

### **Current Status**

#### **Indian Trust Examinations**

The Indian trust examination process includes conducting on-site visits to evaluate operations and compliance, performing sufficient testing to verify the integrity of trust operations, and analyzing the effectiveness of management and management controls. Based upon the results of an examination, OTRA assigns an overall rating reflecting the quality of the administration of fiduciary trust functions. OTRA follows up on findings in its reports with regions, agencies, and Tribes.

During this reporting period, OTRA performed trust reviews at four sites, issued 16 trust review draft reports for comment and issued 13 final reports.

#### **Records Assessments**

The record assessment is a focused evaluation of records maintenance and security. OTRA completed four trust record assessments and issued 13 final reports.

#### **Compliance Reviews**

OTRA issued a final report on the results of one investigation of allegations received. Two reviews are pending with fieldwork and/or report drafting continuing on these cases.

### **Delays and Obstacles**

Lack of Internet access impedes OTRA's work processes and its ability to communicate effectively, both internally and externally.

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**Trust Review and Audit**

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**Assurance Statement**

I concur with the content of the information contained in the Trust Review and Audit section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 11, 2007

Name: *Signature on File*

D. Jeff Lords

Director, Office of Trust Review and Audit

Office of the Special Trustee for American Indians

**E. OFFICE OF APPRAISAL SERVICES**

**Introduction**

The Office of Appraisal Services, under a management contract with NBC-ASD, is responsible for Indian Land valuations. The contract was established to provide impartial estimates of market value for a variety of real property interests on land owned in trust or restricted status by individual Indians, Alaska Natives, and Indian Tribes. Various regulations governing Indian trust lands require valuations. To meet these requirements, an appraisal or other valuation method is used to determine fair market value of Indian lands.

**Accomplishments and Completions**

The Office of Minerals Evaluation within ASD is now fully staffed and delivered approximately 700 valuations of mineral interests for ILCP during the reporting period.

OAS has contracted for development of an automated Indian Trust Appraisal Request Tracking System. The pilot was successful in the test region, and nationwide roll-out of ITARS is scheduled during the next reporting period.

The final department-wide appraisal policy handbook, which incorporates the OAS handbook section, was distributed during the reporting period.

**Current Status**

The Deputy Chief Appraiser for Policy and Compliance and the Deputy Chief Appraiser for OST continued to implement and enforce consistent standards and practices for OAS operations during the reporting period. Audits of the workload as well as internal procedural changes have improved OAS's ability to meet deadlines and reduced the backlogs.

OAS has begun working closely with BIA realty staff to improve lines of communication between the two offices and clarify policies for staff to ensure understanding of their respective roles and responsibilities with regard to appraisal requests.

ASD, in coordination with OST, continues to examine OAS operations, make improvements in OAS and monitor OAS staff compliance with training requirements. The Deputy Chief Appraiser for Policy and Compliance, in consultation with the Appraisal Institute, has designed a training curriculum for appraisal review, which will be offered to all OAS and ASD appraiser staff during the next reporting period.

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**February 1, 2007**

**Office of Appraisal Services**

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**Appraisal Backlog**

As of this reporting period, the appraisal backlogs are as follows:

<b>Region</b>	<b>Appraisal Backlog As of 09/30/06</b>	<b>Appraisal Backlog * As of 12/31/06</b>
Northwest	0	0
Rocky Mountain	100	55
Midwest	6	85
Western	24	0
Southwest	0	0
Eastern Oklahoma	80	91
Navajo	20	16
Pacific	0	0
Alaska	267	277
Eastern	0	8
Southern Plains	0	9
Great Plains	0	10
<b>TOTAL</b>	<b>497</b>	<b>551</b>

\* The backlog often includes all requests from BIA, even when the property to be appraised has yet to be defined and whether or not an appraisal is required for a proposed transaction. The requests are addressed in priority order based on factors such as court-ordered transactions, economic transactions, and rights-of-way transactions.

This table does not include appraisal backlog information from the compacted and contracted Tribes. The MOUs that are currently being negotiated with Tribes require quarterly reporting of backlog information. This information is expected to be incorporated into future reports to the Court.

**Delays and Obstacles**

The inability to utilize the Internet as a tool to communicate with outside contacts to research comparable sales and other information is a continuing hardship.

Difficulties continue in recruiting qualified appraisers for contract positions, particularly in remote locations.



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**February 1, 2007**

**Office of Appraisal Services**

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**Assurance Statement**

I concur with the content of the information contained in the Appraisal section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2007

Name: *Signature on File*

Kathryn J. Gearheard, MAI

Deputy Chief Appraiser for OST

Appraisal Services Directorate, National Business Center

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**III. INDIAN AFFAIRS**

**A. TRUST REGULATIONS, POLICIES AND PROCEDURES**

**Introduction**

The Office of Planning and Policy Analysis in the Office of the Assistant Secretary – Indian Affairs was established on April 21, 2003. PPA is responsible for developing and promulgating Indian Affairs directives. PPA is separate from OST's Office of Trust Regulations, Policies and Procedures, whose activities are reported in the OST section of the status reports to the Court.

**Current Status**

**Regulatory Initiative** – On August 8, 2006, BIA and the Office of the Secretary proposed to amend several regulations related to Indian trust management (71 FR 45173). The proposed rule addresses Indian trust management issues in the areas of probate, probate hearings and appeals, tribal probate codes, life estates and future interests in Indian land, Indian land titles of record, and conveyances of trust or restricted land. On November 1, 2006, BIA and the Office of the Secretary reopened the comment period for an additional 60 days to January 2, 2007, to ensure that all interested parties, including Tribes and individual Indians, have the opportunity to review the proposed rule and prepare their comments (71 FR 64181).

Phase II of the Regulatory Initiative includes tribal consultation and publication of the draft Tribal Trust Fund Accounting and Appeals regulation. At the close of the initial comment period, the work group began considering and incorporating comments on the draft regulation.

In CY2007, Interior expects to begin Phase III of the Regulatory Initiative. This phase includes tribal consultation and proposal of the regulations affecting leasing, grazing, land acquisitions and rights-of-way.

**25 CFR 216 – Surface Exploration, Mining, and Reclamation of Lands** – This regulation is undergoing additional program review and revisions by the Indian Affairs Division of Energy and Minerals with SOL assistance. The regulation now is expected to be proposed and published during the second quarter of CY2007.

**25 CFR 224 – Tribal Energy Resource Agreements** – The Division completed its review of comments on the proposed rule during this reporting period. A draft of the final rule is expected to be submitted to SOL for review in early February. The final rule is still expected to be published during the first quarter of CY2007.

**25 CFR 292 – Gaming on Trust Lands Acquired After October 17, 1998** – The public comment period on the proposed rule was extended to February 1, 2007, in order to receive additional comments. Because of the extension of the comment period, the final rule now is expected to be published during the second quarter of CY2007.

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**Trust Regulations, Policies and Procedures**

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**Delays and Obstacles**

Lack of access to the Internet has hindered PPA's ability to research statutes and departmental manuals and makes distribution of documents for review by Tribes more difficult and costly.

**Assurance Statement**

I concur with the content of the information contained in the Trust Regulations, Policies and Procedures – BIA section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 19, 2007

Name: *Signature on File*

Debbie L. Clark

Deputy Assistant Secretary – Indian Affairs (Management)

Bureau of Indian Affairs

IV. BUREAU OF INDIAN AFFAIRS

A. FRACTIONATION

**Introduction**

Fractionation of Indian trust and restricted land stems from the federal Indian policy of the 19<sup>th</sup> Century. Fractionation occurs as land passes from one generation to the next and more and more heirs or devisees acquire an undivided interest in the land. This is a complex and potentially emotionally-charged issue, due primarily to cultural differences, historical legacy and family associations of the present owners with the original Indian owners of those lands. Efforts to address this complex issue are coordinated primarily through the BIA Indian Land Consolidation Office, which seeks to help Tribes make use of the opportunities offered by the Indian Land Consolidation Act, as amended in 2004. ILCO is operating several acquisition projects and, from there, a nationwide plan is being implemented to promote consolidation of the ownership of Indian land.

**Accomplishments and Completions**

- Indian Land Consolidation Program acquired 20,424 fractional interests during this reporting period.
- Of the total interests acquired during this reporting period, 77% were interests of less than 2% ownership in the respective tracts of land.
- ILCP acquired the equivalent of 45,536.09 acres during this reporting period.
- As a result of ILCP purchases, Tribes now have 100% ownership of 223 tracts. (Reconciliation resulted in a correction from 227, as previously reported, to 223 tracts.)

**Current Status**

- ILCP continued to purchase small fractionated interests on highly fractionated tracts.
- ILCP continued to support the Great Plains Region LTRO by assisting with recording ILCP deeds, re-vesting *Youpee*<sup>3</sup> interests, researching ownership files, and recording to ownership records.

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<sup>3</sup> In 1983, Congress passed the Indian Consolidation Act, 25 U.S.C. §2201, *et seq.* (ILCA) to address the problem of fractionation through inheritance of trust and restricted lands. ILCA provided that very small, undivided interests could not pass by will or intestacy, but rather would escheat to the tribe with jurisdiction over the interest. These provisions were held unconstitutional in *Hodel v. Irving*, 481 U.S. 704 (1987). Congress amended the escheat provision in 1984, but it was again struck down by the United States Supreme Court. *Babbitt v. Youpee*, 519 U.S. 234 (1997). The 1984 ILCA amendments allowed landowners to devise fractionated interests in trust property to co-owners. When challenged in *Youpee*, the Court held the amendments unconstitutional because the limitation on devise and descent “shrinks drastically the universe of possible successors” and most probably excludes lineal descendants. 519 U.S. at 244. The small fractionated interests that escheated to the tribes under ILCA are often called “*Youpee* interests.” Since 1997, BIA has been working to divest the Tribes of the escheated interests and return the interests to the proper owner.

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**Fractionation**

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- A total of 16 reservations located in five BIA Regions are participating in ILCP.  
(Reconciliation resulted in correction from 17, as previously reported, to 16 reservations.)

**Delays and Obstacles**

- Probate and LTRO backlogs and *Youpee* issues continue to impede acquisitions.
- Lack of Internet access results in slower processing of applications from potential sellers and hinders searches for WAU account holders.

**Assurance Statement**

I concur with the content of the information contained in the Fractionation section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 19, 2007

Name: *Signature on File*  
Robert R. Jaeger  
Director, Indian Land Consolidation Office  
Bureau of Indian Affairs

**B. PROBATE**

**Introduction**

Federal law permits Indian owners to pass title to their trust assets by testamentary devise or by intestate succession, and imposes upon Interior the duty of determining the legal heirs. BIA, OHA and OST must coordinate their work to complete the probates of Indian estates. Information on the status of probates is contained within the ProTrac system. Each BIA regional office and corresponding agency is responsible for encoding new cases, examining “initial load” cases and making corrections. The majority of the data-cleanup for ProTrac has been completed, which should make ProTrac a more complete source of probate data.

**Current Status**

**Case Preparation**

Case preparation is the initial stage of the probate process. During this stage information is researched and gathered regarding the identity and whereabouts of potential heirs, and an inventory of the trust assets of an estate is prepared. According to ProTrac, 7,658 probate cases are in the case preparation stage.

**Case Adjudication**

Depending on the complexity of the case, probates are adjudicated by OHA Administrative Law Judges, Indian Probate Judges, or Attorney Decision Makers. According to ProTrac, 6,607 probate cases are in the case adjudication stage. As reported by OHA, deciding officials received 1,734 cases and issued decisions in 1,736 cases. OHA reported 4,754 cases pending.

**Case Closure**

Cases in the closing stage are ones that have been adjudicated but not updated in TFAS, LTRO, or the Lease Distribution System. According to ProTrac, there are 3,520 cases in the closing stage and 3,316 cases were closed during this reporting period.

**Financial Case Closure**

Financial case closure is the posting and recording of ownership and distribution of assets after the case has been adjudicated. OST reported that it distributed funds and closed 1,576 accounts in TFAS, representing 1,543 estates. As of the end of December 2006, TFAS contained 31,194 open estate accounts, which is a decrease of 115 from the 31,309 estate accounts at the end of the last reporting period.

**Delays and Obstacles**

The following obstacles have been identified as having an impact on the progress of the probate program:

- Lack of access to the Internet, which includes the inability to use electronic mail communication between OHA and BIA/OST;
- Continued fractionation of ownership of Indian lands;
- Numerous initiatives competing for resources (e.g., *Youpee* reconstitutions, *Cobell* requirements);
- Cultural diversities regarding the subject of death; and
- Incomplete reorganization of BIA probate program.

**Assurance Statement**

I concur with the content of the information contained in the Probate section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 25, 2007

Name: *Signature on File*  
William Titchywy  
Director, Probate Division  
Office of Trust Services  
Bureau of Indian Affairs



**V. OTHER TOPICS**

**A. INFORMATION TECHNOLOGY**

**Introduction**

This section describes the status of Interior IT systems, particularly the systems that house or provide access to IITD or provide various computing capabilities, including functions critical to the proper administration of the individual Indian trust responsibilities within Interior. In addition, this section describes various efforts being made to improve IITD security within Interior, pursuant to OMB Circular A-130 Appendix III, and challenges due to no Internet connectivity at four bureaus.

**Accomplishments and Completions**

**Computer Security:**

Interior continues to make progress in enhancing IT security through improvements to the vulnerability scanning process and the re-Certification & Accreditation of systems. The most noteworthy accomplishments, completions and challenges during the reporting period are described below.

***Prevention and Monitoring***

- An ESN contractor selected a new product to continue the on-going external vulnerability scanning service for Interior. Interior took the opportunity at this time to make the service available to bureaus for their internal vulnerability scanning solution.

***Policies and Guidance***

- The Interior CIO issued “Fiscal Year (FY) 2006 Assurance Statement for Information Technology (IT) Security” to the Assistant Secretary for Policy, Management and Budget on October 13, 2006. This report presented the summary assessment of the adequacy of bureau, office, and departmental (common) controls related to information systems and information technology programs. The CIO noted many “significant” accomplishments, including increased security through centralizing Internet gateways at ESN and enhancements in IT security training.
- The Interior CIO issued “Additional Guidance for the Protection of Personally Identifiable Information (PII) and Department Sensitive Information” to the heads of bureaus and offices and to bureau and office Chief Information Officers on December 15, 2006. This memorandum directed the bureaus to implement encryption for mobile devices (e.g., laptops and remote workstations/servers) as an interim solution until an Interior-wide encryption product can be procured.
- The Interior CIO issued “Internal Control Review (ICR) Guidance for Fiscal Year (FY) 2007” to the heads of bureaus and offices and to bureau and office Chief Information Officers on December 20, 2006. This directive provides specific guidance for IT system

owners and Bureau Information Technology Security Manager (BITSMs) for conducting annual assessments of the security controls in place for all IT systems contained in DEAR.

- The Interior CIO issued “Trust Asset and Accounting Management System (TAAMS)” to the Deputy Director, Office of Trust Services on December 27, 2006. This memorandum informed the Deputy Director that the TAAMS project would be subject to a project management review performed by OCIO.
- BLM issued two policies during this reporting period that provided system owners and project managers with the upcoming schedule for system C&A, and reminded all system owners of the requirement to apply funding towards sustaining and maintaining security certifications.

***Training and Awareness***

- BLM hosted an OST “Trust Fundamentals” class at its New Mexico State Office as part of its plan to elevate awareness of trust responsibilities and accountability.

**Plan of Action and Milestones<sup>4</sup>:**

- As reported to OMB, Interior has continued to remediate and close out a significant number of weaknesses, eliminating 266 during this reporting period. However, 444 new weaknesses were identified and added; many resulted from self-assessments, independent financial audits and findings based on OIG reports. Interior continues to proactively address the remaining 1,880 open weaknesses.

**IT Systems Architecture:**

- Interior revised the draft Trust Modernization Blueprint to include a more detailed analysis of the data managed by current information systems and how well those systems support the streamlined business processes in the Fiduciary Trust Model.
- The MMS EA Team completed the alignment of five major systems (four MAs and one GSS) with the five DOI/OMB reference models (Business, Performance, Data, Services and Technical).

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<sup>4</sup> A Plan of Action and Milestones (POA&M), also referred to as a corrective action plan, is a management tool that outlines identified IT security program and system weaknesses, along with the tasks necessary to correct or mitigate them. To facilitate the remediation of weaknesses, the POA&M process provides a means of planning and monitoring corrective actions; identifies those responsible for solving problems; assists in identifying security funding requirements; tracks and prioritizes resources; and informs senior management of the security status of programs and systems.

**E-Authentication<sup>5</sup> and HSPD-12<sup>6</sup>:**

- The HSPD-12 contract was awarded during this reporting period. Upon awarding the contract, NBC began issuance of smart cards before an OMB-mandated deadline.

**Staffing:**

- The following positions were filled during this reporting period:
  - Interior's Security Program Manager, Security POA&M Lead and ZANTAZ Liaison,
  - NBC's CIO,
  - BLM's Deputy CIO, and
  - MMS's IT Security Manager.

**Current Status**

**A-130 Certification and Accreditation:**

- Of the 36 trust systems that are currently tracked in DEAR, all have full ATO status except the FWS Isolated Realty Network. The ST&E results and documentation for IRN are currently being reviewed. The system is expected to be fully accredited during the next reporting period.
- BIA completed the Trust Active Directory root services C&A package in August 2006. This system provides authentication services for TrustNet, which is the network supporting the disconnected bureaus. A meeting held in December 2006 resolved a majority of the issues without the need to develop an MOU. The remaining issues involve deployment of the system across the trust bureaus. Full accreditation is expected upon resolution of these issues.
- The re-C&A of MMSNet is in the ST&E phase and an MMS contractor completed testing of the system. MMS is awaiting results of the testing.

**ZANTAZ<sup>7</sup>:**

- The 25 BLM tapes that were shipped to ZANTAZ, as reported in the previous report, have been received. ZANTAZ informed Interior that they will process the tapes by the end of the next reporting period.

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<sup>5</sup> E-Authentication is designed to provide a trusted and secure standards-based authentication architecture. This approach would provide a uniform process for establishing electronic identity and eliminate the need to develop redundant solutions for the verification of identity and electronic signatures. E-Authentication's distributed architecture would also allow citizens and businesses to use non-government-issued credentials to conduct transactions with the government.

<sup>6</sup> HSPD-12 would establish a common identification standard for all federal government employees and contractors for physical and computerized systems and data access while providing a roadmap for other applications. The HSPD-12 policy establishes sound criteria for verifying an employee's identity designed to be strongly resistant to identity fraud, tampering, counterfeiting and terrorist exploitation. The standard includes graduated criteria, from least secure to most secure, to ensure flexibility in selecting the appropriate level of security for each application.

<sup>7</sup> ZANTAZ is a contractor that archives emails sent to and from certain bureaus and offices.

- The contract was awarded in December 2006 for the forensic analysis of the 268 blank BIA tapes documented in the *Status Report to the Court Number Twenty-Five*. The analysis is expected to be completed in the next reporting period.
- The testing of the software to correct the NBC/BLM ZStage<sup>8</sup> irregularity reported in the *Status Report to the Court Number Twenty-Six* has been completed. BLM and ZANTAZ have determined that the upgrade will not correct the irregularity and they continue to work on identifying an alternative solution.
- SOL experienced a ZANTAZ outage from November 18–22, 2006. The outage was the result of a mis-configuration of a ZANTAZ device. No emails were lost since the SOL buffer server captured and re-transmitted all emails that were awaiting transmission to ZANTAZ.

**Training and Awareness:**

- A large number of NBC and MMS systems are due for re-C&A this fiscal year. Therefore, NBC and MMS are providing focused C&A training to management and staff.

**Incidents:**

- On December 28, 2006, four tribal computers, four tribal flash drives and an unknown number of tribal CDs were stolen from a 638<sup>9</sup> tribal office located on Yakama Nation property. This incident was reported to local police and remains under investigation. An OCIO task force continues to evaluate the types and sensitivity of the data involved and determine appropriate response actions.
- OHA reported potential misuse of a laptop computer in December 2006. The incident remains under investigation.

**Reports:**

These reports were among those issued during this reporting period.

- The Interior IG issued “Vulnerability Assessment Report of MMS Third Party Service Provider USinternetworking (USi) (NSM-EV-MMS-0009-2006)” on September 27, 2006. This report presents the results of an evaluation of a contractor system involved in hosting MRM data. In this report, the OIG indicates that the site is “reasonably secure, with security countermeasures commensurate with the data it is hosting.”

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<sup>8</sup> ZStage refers to a mechanism that verifies delivery of emails to the ZANTAZ digital safe. Each message is assigned a value indicating success or failure of delivery.

<sup>9</sup> A “638 Tribe” provides services to tribal members under the Indian Self-Determination and Education Assistance Act, Public Law 93-638 (as amended). This act authorizes Tribes to contract and compact with the federal government to perform certain federal programs.

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

**Information Technology**

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- The Interior IG issued “FY2006 FISMA Report (NSM-EV-OIG-0002-2006)” on September 29, 2006. This report presents the results of the IG’s annual evaluation of Interior’s IT security program, as required by FISMA. It noted many “significant” accomplishments, including increased security through centralizing Internet gateways at ESN and enhancements in IT security training. However, the IG found that challenges still remain in the quality of C&A practices and the implementation of security configuration standards.
- The GAO issued “Agencies Need to Develop and Implement Adequate Policies for Periodic Testing (GAO-07-65)” on October 20, 2006. This report presented the results of a survey of 24 major federal agencies and their Inspectors General, as well as analysis of their information security policies and procedures. The GAO determined that agencies have not adequately designed or effectively implemented policies for performing periodic testing and evaluation of information security controls.

### **Delays and Obstacles**

Like other federal agencies, Interior must address many challenges regarding the integration, performance, funding, security, and data integrity of IT systems. Interior initiated or completed steps to address some of the challenges reported in this and previous reporting periods. However, delays and obstacles listed below impede progress in achieving Interior’s IT management goals.

### **Staffing**

- Interior is experiencing high staff and management turnover in critical IT positions, particularly IT security. Recruitment challenges to attract qualified candidates continue, particularly in light of past litigation impacts.
- During this reporting period, the Interior CIO announced his retirement from federal service and that his last official day would be January 3, 2007. The Interior Deputy Secretary named the CIO for the Fish and Wildlife Service as the acting Interior CIO effective on January 4, 2007.
- The following positions remain vacant at the end of this reporting period:
  - Interior’s Deputy CISO and Security Policy Lead,
  - NBC’s Deputy CIO and IT Security Manager,
  - MMS’s MRM IT Security Manager,
  - BLM’s IT Security Manager, and
  - BIA’s CIO and C&A Project Manager.

### **Funding and Resources**

- Interior continues to operate under a continuing resolution, impacting the ability of Interior to fill personnel vacancies, complete projects and meet deadlines.

**Denied Internet Access**

Four Interior bureaus and offices (BIA, OHA, OST and SOL) have not been permitted by the Court to have Internet access since December 5, 2001. Lack of Internet access impedes work processes and the ability to communicate effectively, both internally and externally. For example:

- Currently the BIA Transportation Division utilizes an application system titled the Integrated Transportation Information Management System to manage and report on the maintenance of roads, bridges and the core transportation infrastructure within Indian country. ITIMS does not contain any IITD. However, being offline significantly inhibits BIA's ability to interface with the Tribes, share information and effectively manage millions of dollars in BIA and Federal Highway funds. The BIA Transportation Office would like to implement a replicated version of ITIMS, which would be totally isolated from TrustNet, but be accessible via the Tribes through a direct connection to the Internet. Data would be synchronized between the two networks using physical/removable media. This synchronization and replication would not be necessary but for the Court order.
- On October 16, 2006, the Trust Executive Steering Committee authorized a pilot project to permit additional Tribes to access TrustNet in compliance with federal security requirements. The Morongo Band of Mission Indians is the first Tribe that Interior is working with under this pilot project. Under a Memorandum of Understanding and Tribal Use Agreement, tribal employees would have access to an Interior computer and would be treated similarly to federal employees and contractors with access to TrustNet. All appropriate IT security directives will be extended to the Tribe and its users. The Morongo Band has agreed to the terms of the Memorandum of Understanding and Tribal Use Agreement as well as unannounced IT security visits, and made all the recommended changes to support physical security requirements requested. Without the Court order, trust connectivity, such as that sought here, would be less complex, less costly, and could be accomplished more quickly.
- Maintaining security on internal systems is more difficult without access to the Internet for research, reporting, and patch management.
- Policy discussion is hampered due to additional time required in coordinating group discussions via teleconferencing when e-mail collaboration would be more appropriate and timely.
- OMB's e-Government initiative requires agencies to web-enable as many of their applications as possible. Without internet access, Interior cannot comply with this and other OMB initiatives, like consolidation of agencies' network infrastructures.

- The concerns over potential future Court-ordered Internet shutdowns or other Court-ordered disruptions has created uncertainty over how to proceed with enterprise initiatives and security improvements. Without connectivity between the disconnected and online bureaus and offices, implementation of true enterprise-wide applications has been difficult. Plans and funding call for only a single instance of an application to service all bureaus and offices. Many of these applications rely upon the internet to service external as well as internal customers. Providing access to the disconnected bureaus and offices would eliminate duplicate systems, networks, and data. Duplicate systems require a significant increase in resources to manually transfer data between the two systems. The possibility of future disruptions also raised concern about Interior's ability to provide services to its non-Interior customers.
- Coordination and dissemination of new policies and training is delayed due to the need to deliver material physically. Even after receipt, considerable re-work is required to tailor web-based training programs to run locally. Courses normally are completed on-line through DOI LEARN, but also must be duplicated in stand-alone CD-ROM and paper forms for the off-line bureaus.
- Ensuring continuity of operations and continuity of government through the implementation of contingency plans requires rapid notification of an event. The lack of Internet access degrades Interior's capabilities to notify all of its bureaus and offices in a timely and efficient manner. Additionally, without remote access, disconnected bureaus and offices will be unable to provide services to their customers in the event of extended contingency periods that may result from pandemics or major natural events.

**Assurance Statement**

I concur with the content of the information contained in the Information Technology section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 25, 2007

Name: *Signature on File*  
Michael J. Howell, Jr.  
Interior Acting Chief Information Officer

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## **B. CADASTRAL SURVEY**

### **Introduction**

Cadastral surveys provide assurance that land boundaries for individual Indian and tribal trust and restricted lands are identified appropriately. By federal law, surveys of Indian lands are to be performed under BLM's direction and control. Official surveys, whether preexisting or new, identify the location of land boundaries of Indian trust assets and determine official acreage. The official surveys are integral to realty transactions, resource management activities, litigation support and the federal system of patent, allotment and land tenure records maintained by BLM and BIA. Ownership information, distribution of land based trust assets, and management of land-based trust accounts may be related to or based upon information recorded in official surveys.

### **Accomplishments and Completions**

#### **Survey Backlog**

Of the 198 backlogged surveys (pre-FY2005), 164 were completed during FY2006. The majority of the remaining 34 backlogged surveys are anticipated to be completed by the end of the next reporting period. Surveys are considered work in progress using a two-year cycle and are not considered backlogged during that time. Backlogs may occur as a result of litigation, water boundary issues, weather, budget, project scope, etc. In addition to the 34 backlogged surveys, there are currently 55 surveys in progress for FY2005 and 111 for FY2006. If the program is funded at 100% of the BIA's 2007 budget justification, 165 surveys have been scheduled to start in FY2007.

### **Current Status**

#### **Certified Federal Surveyor Program (CFedS)**

The BLM Cadastral Program developed CFedS, a certification program for private surveyors. The certification of state licensed land surveyors is expected to enhance cadastral services under the direction and control of BLM on Indian lands. It is anticipated that the CFedS program will assure boundary integrity, and should increase the production of marked and documented trust lands and their boundaries. During this reporting period:

- The beta-test group candidates, selected during the last reporting period, began and completed 70% of their training with the CFedS distance learning modules. The first examination of the certification process is scheduled for February 2007.
- The CFedS training materials are being enhanced and modified to provide a better product. Any changes to the program are based upon the input and experiences from the beta-test group. These changes are reflected in course development and improvements in handout materials.

### **Interior Standards for Indian Trust Lands Boundary Evidence**

The Standards for Indian Trust Lands Boundary Evidence are expected to increase efficiencies in land transactions and boundary issues by establishing standard processes and formal procedures for consulting between title and realty specialists, resource managers and cadastral surveyors on land tenure and boundary issues. The standards should also save money, improve record systems and standardize existing processes. The standards are in final draft format.

BLM submitted the final draft standards through the Assistant Secretary, Lands and Mineral Management, to the Assistant Secretary, PMB for inclusion in the Departmental Directives system. After these standards are incorporated as directives, Interior bureaus and offices will use these standards to improve boundary evidence within Indian Country. During this reporting period, BLM continued the process of incorporating the standards into draft regulations. BLM has also developed a performance tracking system to monitor the use of the standards.

### **Implementation of the FTM**

During this reporting period, BLM continued to implement FTM goals. These goals as they relate to cadastral services are: (1) funding and support for the 12 BLM Indian Lands Surveyors located in the BIA Regions; (2) implementation and continued development of the CFedS program; (3) improving and extending the PLSS within Indian Country; and (4) creation of a CGIS to be used as a foundation layer of BIA and tribal GIS, which should include legal land descriptions, ownership status, uses and encumbrances.

A team from BIA, OST, AS-IA and BLM completed an evaluation of the feasibility of providing a geographic interface to the data in TAAMS. This interface should enable users to graphically portray tract boundaries and other land characteristics related to survey records. The team recommends a pilot project that would identify obstacles, validate costs, determine workloads and isolate technical issues associated with the development of the proposed interface.

Elements have been added to the BLM management tracking systems to measure progress and quantify results. These elements account for the number of interactions the BLM entertained with trust clients and the number of boundary evidence certificates issued.

### **Delays and Obstacles**

#### **Disconnection from the Internet**

The Court-ordered disconnection from the Internet continues to hamper communications and service delivery between BLM, BIA, OST and SOL. This includes the way CARS is being implemented and the review of the Interior Standards for Indian Trust Lands Boundary Evidence. BLM's productivity has decreased, and the cost associated with dual networks has caused the cost of survey services to increase. This issue continues to impact BLM's ability to provide cadastral services in an effective and cost efficient manner to its trust clients.

**Funding of the FTM**

Proper planning, scheduling and implementation of future FTM work are dependent on funding. The reduced levels of funding provided by the Continuing Resolution for Interior's Fiscal Year 2007 budget is negatively impacting the designed implementation of the FTM initiatives. The BILS program, a key component of the FTM, is currently not funded under the Continuing Resolution. The consultation and expertise provided by the 12 BILS to the 12 BIA Regions in matters of lands, realty and other trust issues is substantial and increasing.

**Assurance Statement**

I concur with the content of the information contained in the Cadastral Survey section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 25, 2007

Name: *Signature on File*  
Donald A. Buhler  
Chief Cadastral Surveyor  
Bureau of Land Management

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**C. MINERALS MANAGEMENT SERVICE**

**Introduction**

Minerals Revenue Management, an MMS program, is responsible for collecting, accounting for, and distributing mineral revenues from both federal and Indian mineral leases, and for evaluating industry compliance with laws, regulations and lease terms. MRM maintains reported information and distributes revenues at the lease level. BIA maintains individual Indian ownership records that are used to provide information to OST for disbursement of the lease revenues to individual Indian beneficiaries.

**Current Status**

**Indian Oil Valuation Rule**

MMS continued with the rulemaking process for the valuation of oil produced from tribal and allotted Indian lands. The proposed rule was published in February 2006, and the comment period ended in April 2006. MMS received and reviewed comments from Tribes, industry trade associations, industry producers, and an individual. MMS decided not to issue the rule as proposed in 2006. MMS instead is taking separate actions by publishing a final rule containing technical corrections to the existing 1988 Indian Oil Valuation Rule, and by establishing a negotiated rulemaking committee to address issues regarding the “major portion” calculation for oil produced from Indian leases. In addition, MMS is currently reviewing this final rule to determine if any new information collection requirements exist resulting from the technical corrections. After publishing any new Information Collection Requests, MMS anticipates publishing the final rule before the end of CY2007.

**Assurance Statement**

I concur with the content of the information contained in the Minerals Management Service section of the *Status Report to the Court Number Twenty-Eight*. The information provided in this section is accurate to the best of my knowledge.

Date: January 12, 2007

Name: *Signature on File*  
Richard J. Adamski  
Chief of Staff  
Minerals Revenue Management  
Minerals Management Service

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**ACRONYMS AND ABBREVIATIONS**

1994 Act (or Act)	American Indian Trust Fund Management Reform Act of 1994
A-123	Office of Management and Budget Circular A-123, Management's Responsibility for Internal Control
A-130	Office of Management and Budget Circular A-130 Appendix III
ADM	Attorney Decision Makers
AFMSS	Automated Fluid Mineral Support System
AIMS	ActivCard Identity Management System
AIPRA	American Indian Probate Reform Act
AIRR	American Indian Records Repository
ALIS	Alaska Land Information System
ALJ	Administrative Law Judges
ARO	Alaska Region office
ARRTS	Appraisal Request and Review Tracking System
ART	Accounting Reconciliation Tool
AS-IA	Assistant Secretary-Indian Affairs
ASD	Appraisal Services Directorate
ATO	authority to operate
BIA	Bureau of Indian Affairs
BIAM	Bureau of Indian Affairs Manual
BILS	BLM Indian Lands Surveyors
BISS	Box Index Search System
BITSM	Bureau Information Technology Security Manager
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
BPA	Blanket Purchase Agreement
BRM	Business Reference Model
C&A	Certification and Accreditation
CARS	Cadastral Automated Request System
CDE	Critical Data Elements
CFedS	Certified Federal Surveyor
CFI	Continuous Forest Inventory
CGI	Software vendor successor to TAAMS vendor
CGIS	Cadastral Geographic Information Systems
CIFTA	Certified Indian Fiduciary Trust Analyst
CIFTS	Certified Indian Fiduciary Trust Specialist
CIO	Chief Information Officer
CIRC	Computer Incidents Response Center
CISO	Chief Information Security Officer
CISSP	Certified Information System Security Professional
CMS	Credential Management System
COTS	Commercial off-the-shelf
CP&R	Check Payment and Reconciliation
CPIC	Capital Planning and Investment Control

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

### **Acronyms and Abbreviations**

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CSIRC	Computer Security Incident Response Capability
CSIRT	Computer Security Incident Response Team
CSS	Customer StrataStation
CTM	Comprehensive Trust Management Plan
DAA	Designated Approving Authority
DEAR	DOI Enterprise Architecture Repository
DDoS	Distributed Denial of Service
DLRM	DOI Land and Resource Management
DM	Departmental Manual
DMZ	De-Militarized Zone
DNS	Domain Name Server
DOI	Department of the Interior
DOP	Desk Operating Procedure
DoS	Denial of Service
DQ&I	Data Quality and Integrity
DRM	Data Reference Model
EA	Enterprise Architecture
ENA	Eastern Navajo Agency
EORO	Eastern Oklahoma Region office
ERO	Eastern Region office
ESN	Enterprise Services Network
ETP	Enterprise Transition Plan
FAMS	Facilities Asset Management System
FAR	Federal Acquisition Regulation
FBMS	Financial Business Management System
FFMIA	Federal Financial Management Improvement Act
FIMO	Farmington Indian Minerals Office
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Management Act
FMFIA	Federal Managers' Financial Integrity Act
FOIA	Freedom of Information Act
FRC	Federal Records Center
FRD	Functional Requirements Document
FTM	Fiduciary Trust Model
FTO	Fiduciary Trust Officer
FWS	U.S. Fish and Wildlife Service
GAO	Government Accountability Office
GCDB	Geographic Coordinate Data Base
GIS	Geographic Information System
GLO	General Land Office
GLADS	Great Lakes Agency Database System
GPRO	Great Plains Region office
GPS	Global Positioning System
GSA	General Services Administration
GSS	General Support Systems



## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

### **Acronyms and Abbreviations**

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HSPD-12	Homeland Security Presidential Directive 12
IAM	Indian Affairs Manual
IATO	Interim Approval to Operate
ICR	Internal Control Review
ICRs	Information Collection Requests
IEA	Interior Enterprise Architecture
IFTR	Indian Fiduciary Trust Records
IG	Inspector General
IIM	Individual Indian Money
IITD	Individual Indian Trust Data
ILCA	Indian Land Consolidation Act
ILCO	Indian Land Consolidation Office
ILCP	Indian Land Consolidation Project
IM	Instruction Memorandum
InfoDat	Indian Forestry Database
Interior	Department of the Interior
IP	Internet Protocol
IPJ	Indian Probate Judges
IPv6	Internet Protocol Version 6
IQCS	Incidence Qualification and Certification System
IRM	Information Resources Management
IRMS	Integrated Records Management System
IRN	Isolated Realty Network
IRS	Internal Revenue Service
ISA	Information Security Assessment
IT	Information Technology
ITARS	Indian Trust Appraisal Request Tracking System
ITIMS	Integrated Transportation Information Management System
ITRS	Indian Trust Rating System
IV&V	independent verification and validation
LAN	Local area network
LCTS	Land Consolidation Tracking System
LMS	Learning Management System
LR2000	Legacy Rehost 2000 System
LRIS	Land Records Information System
LTIC	Land Tenure in Indian Country
LTRO	Land Titles and Records Office
MA	Major Application
MAD/LCP	Management Accounting Distribution/Land Consolidation Program
MADS	Management Accounting Distribution System
MMD	Missing Mandatory Documents for Unrestricted Accounts
MMS	Minerals Management Service
MOU	Memorandum or Memoranda of Understanding
MRM	Minerals Revenue Management
MRMSS	Minerals Revenue Management Support System

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

### **Acronyms and Abbreviations**

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MWRO	Midwest Region office
NARA	National Archives and Records Administration
NBC	National Business Center
NILS	National Integrated Lands System
NIPTC	National Indian Programs Training Center
NIST	National Institute of Standards and Technology
NORC	National Opinion Research Center
NPS	National Park Service
NRO	Navajo Region office
NWRO	Northwest Region office
O&G	Oil and Gas
OAS	Office of Appraisal Services
OCIO	Office of the Chief Information Officer
OHA	Office of Hearings and Appeals
OHTA	Office of Historical Trust Accounting
OIG	Office of the Inspector General
OME	Office of Minerals Evaluation
OMB	Office of Management and Budget
OSM	Office of Surface Mining
OST	Office of the Special Trustee for American Indians
OTFM	Office of Trust Funds Management
OTP	Office of Trust Regulations, Policies and Procedures
OTR	Office of Trust Records
OTRA	Office of Trust Review and Audit
PAR	Performance and Accountability Report
PFM	Policy and Financial Management
PII	Personally Identifiable Information
PIV	Personal Identity Verification
PLSS	Public Land Survey System
PMB	Policy, Management and Budget
PMSO	Project Management Support Office
POA&M	Plans of Actions and Milestones
Post-QA	Post Quality Assurance
PPA	Office of Planning and Policy Analysis
PRIS	Production and Response Information System
PRO	Pacific Region office
ProTrac	Probate Case Management and Tracking System
QA	Quality Assurance
QC	Quality Control
RAF	Recommended Action Forms
RAS	Rangeland Administration System
RDRS	Royalty Distribution and Reporting System
REM	Real Estate Module
RFP	Request for Proposal
RM-PLUS	Risk Management Assessment/Evaluation tool

## **STATUS REPORT TO THE COURT NUMBER TWENTY-EIGHT**

**February 1, 2007**

### **Acronyms and Abbreviations**

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RMRO	Rocky Mountain Region office
ROW	Rights-of-Way
SANS	SysAdmin, Audit, Network, Security
SCADA	Supervisory Control and Data Acquisition
SDA	Special Deposit Accounts
SDLC	System Development Life Cycle
SMEs	Subject Matter Experts
SMS	System Management Servers
SOL	Office of the Solicitor
SPRO	Southern Plains Region office
SSA	Social Security Administration
SSM	System Security Manager
SSP	System Security Plan
ST&E	Security Test and Evaluation
Statements	Historical Statements of Account
STIGs	Security Technical Implementation Guides
SUS	System Update Servers
SWRO	Southwest Region office
TAAMS	Trust Asset and Accounting Management System
TAP	Technical Architecture Profile
TBCC	Trust Beneficiary Call Center
TESC	Trust Executive Steering Committee
TFAS	Trust Fund Accounting System
TPMC	Trust Program Management Center
TRAC	Trust Tracking and Coordination
Treasury	Department of the Treasury
TRM	Technical Reference Model
TRO	Temporary Restraining Order
UAT	User Acceptance Testing
USGS	United States Geological Survey
USPAP	Uniform Standards of Professional Appraisal Practice
VBNS	Very High Performance Backbone Network Service
VPN	Virtual Private Network
WAN	Wide area network
WAU	Whereabouts Unknown
WRO	Western Region office

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