IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	No. 1:96CV01285 (RCL)
Plaintiffs,	)	
v.	)	
	)	
GALE A. NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	

DEFENDANTS' NOTICE OF FILING
THE DEPARTMENT OF THE INTERIOR'S
FIDUCIARY TRUST MODEL AND "TO-BE" MODEL

Defendants give notice of the filing of the attached documents:

(1) Memorandum from Ross Swimmer, Special Trustee for American Indians to Chris Kohn, Department of Justice (March 1, 2005);

(2) The Department of the Interior's Fiduciary Trust Model ("FTM") (Dec. 30, 2004); and

(3) The Department of the Interior's "To-Be" Trust Business Model ("To-Be Model") (July 31, 2004).

Defendants file these documents pursuant to the Court of Appeals' December 10, 2004 decision, which vacated this Court's September 23, 2003 Structural Injunction with the exception of the requirement that the government complete its "To-Be Plan."[1] Cobell v. Norton, 392 F.3d 461, 465, 474-75, 478 (D.C. Cir. 2004). As stated in the Swimmer memorandum, the To-Be Model "became the FTM." By filing these documents, Defendants hereby give notice that Interior has completed its "To-Be Plan."

[1] Although Interior uses the term "To-Be Model," the Court of Appeals referred to the To-Be Model as the "To-Be Plan." See e.g., 392 F.3d at 474.

Dated: March 15, 2005

Respectfully submitted,

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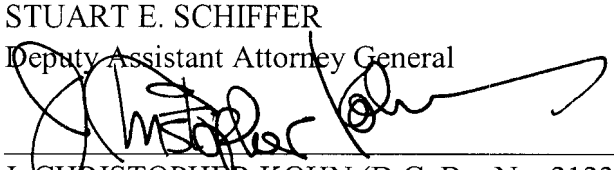

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CERTIFICATE OF SERVICE

I hereby certify that, on March 15, 2005 the foregoing *Defendants' Notice of Filing The Department of the Interior's Fiduciary Trust Model and "To-Be" Model* was served by Electronic Case Filing, and;

on the following who is not registered for Electronic Case Filing, by per paid First Class U.S. Mail to:

Earl Old Person (*Pro se*)
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A Notice of the ECF filing of the brief and a copy of the exhibits was served upon:

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Notices

1:96-cv-01285-RCL COBELL, et al v. NORTON, et al

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was received from Kohn, J. entered on 3/15/2005 at 1:03 PM EDT and filed on 3/15/2005

Case Name: COBELL, et al v. NORTON, et al
Case Number: 1:96-cv-1285
Filer: ALL FEDERAL DEFENDANTS
Document Number: 2882

Docket Text:
NOTICE *Defendants' Notice of Filing the Department of the Interior's Fiduciary Trust Model and "To-Be" Model* by ALL FEDERAL DEFENDANTS (Attachments: # (1) Attachment 1 - Letter# (2) Attachment 2 - Fiduciary Trust Model# (3) Attachment 3 - Notice Regarding Exhibit Attachment)(Kohn, J.)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:J:\C-Financial\Cobell\Current Filing\00_Notice_96cv1285_03152005.pdf
Electronic document Stamp:
[STAMP dcecfStamp_ID=973800458 [Date=3/15/2005] [FileNumber=701378-0] [58da382c9008884232de8cfd12118c828e948ea499f5065c1eb350da858a67b3871af 691dfb356b6323ddb02b31b95722657eeea474b1c274a15273da8bb76e0]]
Document description: Attachment 1 - Letter
Original filename:J:\C-Financial\Cobell\Current Filing\01_Attachment 1_Letter.pdf
Electronic document Stamp:
[STAMP dcecfStamp_ID=973800458 [Date=3/15/2005] [FileNumber=701378-1] [1a0cc660990e5f1cbeec83b463232ff127eb7cd17951f033fd3202d29281379ee690a 629a6d78f4f5dfd1be4fc6398b5f05c55d3c0e4a5dd9f0da64b7bbea39a]]
Document description: Attachment 2 - Fiduciary Trust Model
Original filename:J:\C-Financial\Cobell\Current Filing\02_Attachment 2 - DOI FTM.pdf
Electronic document Stamp:
[STAMP dcecfStamp_ID=973800458 [Date=3/15/2005] [FileNumber=701378-2] [1034b11e00a208a36366c9316df2d19b20a2d62192b989a03eea1feab376dbb6827a2 d3bfc62fd3029576fd82bf44a63d69e5ae3bddeab4a066956539b17fb18]]
Document description: Attachment 3 - Notice Regarding Exhibit Attachment
Original filename:J:\C-Financial\Cobell\Current Filing\03_Notice Regarding Exhibit Attachment.pdf
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[STAMP dcecfStamp_ID=973800458 [Date=3/15/2005] [FileNumber=701378-3] [7031d7f8e695c2e2e02f6e97f169873934a0e01a8e359d6b4f664c723d43ba0b6beb8 62110f27b7ef447beaca41e68c02b78f9e3b2bda227f292a49e99f0b771]]

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United States Department of the Interior
Office of the Special Trustee for American Indians
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

March 1, 2005

Memorandum

To: Chris Kohn
Department of Justice

From: Ross Swimmer
Special Trustee for American Indians

Subject: To-Be and Fiduciary Trust Model

Attached you will find the Fiduciary Trust Model (FTM) which is a compilation of trust reform activities that are being implemented as a result of the findings of the "As-Is" study done during CY 2003 and the "To-Be" Model developed during CY 2004. The "To-Be" Model has previously been provided to your office on a CD Rom Disk. It contains approximately 1,000 pages of detailed information which led to Secretarial approval and is now referred to as the FTM.

The "As-Is" study done during CY 2003 was the result of numerous meetings held throughout Indian country. Attendees included Department of the Interior personnel from different agencies including Bureau of Indian Affairs, Office of the Special Trustee for American Indians, Bureau of Land Management, Minerals Management Service and Office of Hearing and Appeals. Personnel from these offices were from all levels of their organizations, and involved in the administration of the fiduciary trust. In addition, tribes were represented by individuals selected by Tribal leadership during a previous consultation process. The purpose of the "As-Is" study and outcome was to document how fiduciary trust business processes were being conducted and, in particular, the effectiveness of these processes. This work was completed during CY 2003.

Following the development of the "As-Is" study, similar groups were called together to suggest ideas on how the fiduciary trust business processes should be structured to provide the best delivery of trust services. This process was called the "To-Be" effort and resulted in the "To-Be" Model. The "To-Be" Model contains a very detailed analysis of each business process, various options for proposed changes and recommendation for implementation of a particular option. The "To-Be" Model was then referred to the various stakeholders for comment and recommendation for improving the business processes and whether to accept or modify the recommendation. Final decisions on all business processes were made during the last quarter of CY 2004 and the "To-Be" Model then became the FTM.

The FTM is a business process redesign activity and documents the flow of trust business processes for five major business processes: Beneficiary Relationship Development & Management; Financial Operations; Ownership; Land and Natural Resources Planning; and Land and Natural Resources Use and Management. Implementation of the FTM will complete the trust reform initiative of the Department, and ensure that the Department is meeting its statutory trust obligations to beneficiaries.

Due to the highly fractionated nature of the trust land, it is essential that revised business processes are effective and efficient. To achieve this they must work in tandem with the development of information technology applications and systems. Reconnection to the Internet is also a requirement to achieve the productivity necessary to perform many of the processes.

Implementation of the FTM is expected to occur over a period of several years. An implementation strategy has been developed and is being followed. It is expected that most business processes will be introduced at the local level. Two pilot agencies of the BIA, Anadarko and Concho have been chosen as the lead for deploying and testing the new business processes and other locations will soon follow.

Attachment