

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**NOTICE OF FILING OF APRIL 2005 STATUS REPORT BY
THE DEPARTMENT OF THE INTERIOR OFFICE OF TRUST RECORDS**

The Department of the Interior Office of Trust Records hereby submits its status report for activity in April 2005. A copy of the report is attached hereto.

Dated: May 16, 2005

Respectfully submitted,

ROBERT D. McCALLUM
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PETER D. KEISLER
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Deputy Assistant Attorney General

/s/ J. Christopher Kohn
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Director
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CERTIFICATE OF SERVICE

I hereby certify that, on May 16, 2005 the foregoing *Notice of Filing of April 2005 Status Report by the Department of the Interior Office of Trust Records* 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*)
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/s/ Kevin P. Kingston
Kevin P. Kingston

ACTIVITY REPORT
OFFICE OF TRUST RECORDS
April 1 - 30, 2005

PROGRAMMATIC:

- Labat-Anderson (Labat) Indexing Project

Labat reported that 3,732 boxes of inactive Indian records were completed in April 2005. The total number of boxes completed through April 2005 is 115,343.

- Movement of Records

BIA and OST moved approximately 1,500 boxes of inactive records from various field locations to Lenexa for indexing and subsequent storage at the American Indian Records Repository (AIRR).

OTR did not move any boxes of inactive records from Albuquerque to Lenexa in April. Approximately 900 boxes of inactive records continued to remain in Albuquerque. It is anticipated that over 500 boxes will be moved to Lenexa in May. 283 boxes requiring remediation will remain in Albuquerque

- Boxes Requiring Preservation and/or Remediation

OTR is awaiting a response from the National Archives and Records Administration (NARA) as to whether NARA will be able to assist OTR in the remediation of the 283 boxes of documents. If NARA is unable to do so, then OTR will have to locate and hire a contractor.

- Site Assessments

Records management site assessments were conducted at the BIA Southwest Regional Office (SWRO) for BIA program offices and at the BIA Navajo Regional Office in April. OTR reported in the *Status Report to the Court Number Twenty-One* and the March 2005 Report that the SWRO was assessed in March. In fact, it was the Southern Pueblos Agency, which is located in the Southwest Region building, which was assessed in March. This is a correction to both reports for March. It was anticipated that site assessment reports for Jicarilla and Mescalero agencies would be forwarded in April. However, the reports were not ready by the end of April and are anticipated to be forwarded in May.

In addition to those site assessment reports sent out in February 2005, the Wyndotte Nation report was sent to the OST Office of Trust Review and Audit (OTRA) for transmittal to the Tribe on February 8, 2005. This is an addition to the monthly report for February 2005.

Responsibility for the site assessment of records management at OST and BIA trust program offices will be transferred to the OST OTRA in May 2005 along with appropriate personnel. Also, the responsibility for site assessment of records management at BIA general trust program offices will be transferred to the BIA Chief Information Officer, Office of Information and Policy, in May 2005. OTR will no longer conduct site assessments of records management programs at BIA or OST offices after May 2005.

- Records Training

OTR provided records management training to 17 OST field operations staff and 17 Office of Indian Education identified records contacts.

- Equipment

OTR did not provide any file storage equipment in April.

- Records Evaluations – Accession #M0003-8001

The 31 boxes continue to remain at OTR pursuant to a litigation hold. Once the boxes are released, OST can carry out its plans to verify whether any potential records in the boxes are also filed at the field office.

- Litigation Support and Research Requests

OTR continued to provide litigation support in research of records for tribal trust litigation cases including: Confederated Tribes of the Warm Springs Reservation of Oregon and Osage. OTR continued to provide significant support and provide access to records to the Office of Historical Trust Accounting and OST program offices. AIRR staff provided responses to over 100 research requests from BIA and OST.

- Records Management Policies and Procedures

OTR reported in its August 2004 monthly report that a BIA employee alleged that in the process of moving offices in the main Interior building, “some records were being thrown out”. In September 2004, OTR reported that BIA was investigating the allegation as the records had not been transferred into OTR custody but rather were in BIA’s custody. BIA determined that the allegation concerned records in the Office of Indian Gaming Management (OIGM). In April 2005, the Acting Deputy Assistant Secretary, Policy and Economic Development, sent OTR a memorandum stating “[t]his memorandum is issued to assure you that official OIGM records were properly secured during the move, and that no official federal records were destroyed, inadvertently or otherwise, during the move.” OTR now considers this matter to be concluded. There will be no further reports on this allegation.

ADMINISTRATIVE:

Ordinary administrative functions/activities continued.

GENERAL OBSERVATIONS:

Research activity at AIRR continues and is expected to increase as document production requests in tribal trust litigation cases increase.

OTR is preparing for a move from its current office to the OST office building. It is anticipated that OTR's move will occur in June.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Ethel J. Abeita