

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,)	
)	
Plaintiffs,)	No. 1:96CV01285 (RCL)
v.)	
)	
P. LYNN SCARLETT, Acting Secretary)	
of the Interior, et al.,)	
)	
Defendants.)	

**NOTICE OF FILING OF APRIL 2006 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 2006. A copy of the report is attached hereto.

Dated: May 15, 2006

Respectfully submitted,

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/s/ Robert E. Kirschman, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that, on May 15, 2006 the foregoing *Notice of Filing of April 2006 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, 2006

PROGRAMMATIC:

- Labat-Anderson (Labat Indexing Project)

Labat reported that 1,426 boxes of inactive Indian records were completed in April 2006. The total number of boxes completed through April 2006 is approximately 139,850.

- Movement of Records

The Bureau of Indian Affairs (BIA) and Office of the Special Trustee (OST) moved 2,993 boxes of inactive records from various field locations to Lenexa, Kansas, for indexing and subsequent storage at the American Indian Records Repository (AIRR) during this reporting period.

- Boxes Requiring Preservation and/or Remediation

As reported, 283 boxes of inactive records that were or may have been damaged or contaminated by mold, mildew, mouse droppings or other adverse elements were shipped to NARA for remediation in June 2005. As reported in the Office of Trust Records (OTR) Activity Report for November 2005, the number of boxes increased to 289 as a result of holdings maintenance being performed. Some boxes cannot hold the entire contents of the original box and are placed in an "overflow box" which is kept with the original box.

NARA completed remediation of the remaining original boxes by the end of April 2006, except for those materials that were beyond NARA's capabilities to repair. The materials NARA could not repair consist 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 gas and oil royalty disbursements that have holes in the printout caused by insects. Three boxes have extensive water damage and the contents are blocked and should not be separated or further damage will result. OTR plans to consult with a conservationist to determine whether further remedial action can or should be taken with the boxes that NARA could not repair.

- Records Retention Schedules

The electronic records schedule for the BIA GIS system was returned to OTR by NARA for additional information. It is anticipated that the schedule will be resubmitted to NARA in June 2006.

- **Site Assessment Statement**

During the month of April, OTRA issued final records assessment reports for Fairbanks Agency BIA. OTRA performed record assessments for Puget Sound Agency BIA and the IIM offices, Northern Idaho Agency BIA and IIM offices, Spokane Agency BIA and IIM offices, and Olympic Peninsula Agency BIA and IIM offices.

- **Records Training**

OTR provided records management training for 31 tribal employees and 57 OST/BIA employees in April 2006.

- **Equipment**

OTR delivered 10 pieces of fireproof filing equipment to BIA and 5 pieces to tribal offices during this reporting period.

- **Records Evaluations – Accession #M00-03-8001**

The 31 boxes continue to remain with 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. The boxes continue to be stored at the 12th Street warehouse.

- **Litigation Support and Research Requests**

OTR continued to provide significant support to the Office of the Solicitor, Office of Historical Trust Accounting and its contractors, and the Department of Justice and its contractors. AIRR staff provided responses to 330 research requests from BIA and OST.

- **Records Management Policies and Procedures**

As reported in the March 2006 OTR Activity Report, OTR and OTRA conducted an examination into the possible unauthorized destruction of federal records or non-records previously stored at the OST field office in Portland, Oregon. The conclusion of the examination is that the documents disposed of were non-records. However, a notebook containing microfiche is missing. OTR does not know the nature of the data that is on the microfiche. An OST employee reported giving the notebook to an unidentified person for delivery to the BIA Branch of Administration, Northwest Regional Office. An accountant in the Branch of Administration informed the examiners that his staff did not recall receiving the notebook.

ADMINISTRATIVE: General administrative activities continued.


GENERAL OBSERVATIONS: None.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. I express no opinion on the content of the Site Assessments subsection described above.



Ethel J. Abaita

I declare under penalty of perjury that the content of the Site Assessments Statement described above is true and correct to the best of my knowledge, information and belief. I express no opinion on the contents of other sections/subsections of the report.



Jeff Lords
Director, Office of Trust Review and
Audit