

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL et al.,)
)
Plaintiffs,)
)
v.)
)
GALE NORTON, Secretary of the Interior, et al.,)
)
Defendants.)
_____)

Case No. 1:96CV10285
(Judge Lamberth)

**NOTICE OF FILING OF NOVEMBER 2004 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 November 2004. A copy of the report is attached hereto.

Dated: December 15, 2004

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Associate Attorney General
PETER D. KEISLER
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ Sandra P. Spooner
SANDRA P. SPOONER
Deputy Director
D.C. Bar No. 261495
JOHN T. STEMPLEWICZ
Senior Trial Counsel
Commercial Litigation Branch
Civil Division

P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-3368 (phone)
(202) 514-9163 (fax)

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2004 the foregoing *Notice of Filing of November 2004 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*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
Fax (406) 338-7530

/s/ Kevin P. Kingston
Kevin P. Kingston

ACTIVITY REPORT
OFFICE OF TRUST RECORDS
November 1 – 30, 2004

PROGRAMMATIC:

- Labat-Anderson (Labat) Indexing Project

Labat reported that 3,559 boxes of inactive Indian records were completed in November. The total number of boxes completed through November 2004 is 93,995. The total number of boxes completed through October was incorrectly reported last month as 90,451 rather than the actual number of 90,436.

In November, Albuquerque Labat personnel began shifting staff to image documents identified by tribal attorneys and contractors for the tribal trust litigation cases. The indexing project in Albuquerque is nearing completion.

OTR and Labat staff began assisting the Southern Plains Regional Office and the Anadarko Agency in preparing inactive records for retirement to the American Indian Records Repository. Approximately 1,200 cubic feet of records will be shipped from the regional and agency offices. It is anticipated that the project will conclude in January 2005.

- Movement of Records

OTR moved 3,225 boxes of records from Albuquerque storage facilities to Lenexa, Kansas. The Bureau of Indian Affairs (BIA) moved 236 boxes of inactive records and the Office of the Special Trustee (OST) moved 1,302 boxes of inactive records to Lenexa for indexing and storage.

- Boxes Requiring Preservation and /or Remediation

Carino Conservation completed the assessment of boxes located at the 12th Street warehouse. A total of 283 boxes were assessed. The number of boxes increased from 269 as a result of additional boxes being identified during the indexing process by Labat and OTR in Albuquerque. It is anticipated that recommendations for remediation will be received from this contractor in December.

- Bureau of Indian Affairs Records

As reported last month, a water leak at the Crow Agency in Montana caused some files to get wet. The Rocky Mountain Regional Director's Office has provided me with a statement that the documents affected were copies.

- Individual Files Requiring Preservation

Analysis of data contained in the Box Index Search System (BISS) identified approximately 7,500 files out of 2,713,000 files (0.28 percent) that contain one or more documents that may be at risk due to age of the document, over usage, or other conditions. OTR will work with the National Archives and Records Administration to initiate steps necessary to remediate these documents. This will be a long term project as documents are identified in the BISS.

- Site Assessments

OTR conducted six records management program assessments at the following BIA agencies: Okmulgee Agency, Talihina Agency, Osage Agency, Chickasaw Agency, Wewoka Agency and Miami Agency. The OST field office at Osage Agency was also assessed. These assessments were conducted in conjunction with the Office of Trust Review and Audit (OTRA). OTR assisted OTRA with assessments of tribal records management programs at the Creek Nation, Choctaw Nation, Chickasaw Tribe, Osage Tribe and Wyandotte Tribe. Written reports are being drafted.

- Records Training

OTR conducted records management training for Labat employees assisting OTR to bring in the backlog of records from BIA and OST field locations. OTR also conducted records management training for attorneys recently hired by the Department of Justice, Environment and Natural Resources Division, in order to familiarize them with the BIA and OST records management programs.

- Equipment

No filing equipment was purchased or provided in November. It is anticipated that ordered equipment will be delivered to BIA and OST locations in December.

- Litigation Support

OTR continued to provide support in research of records for tribal trust litigation cases including: Jicarilla Apache, Laguna, Blackfeet, Osage and Warm Springs. OTR continued to provide support to the Office of Historical Trust Accounting and to BIA and OST offices.

- Records Evaluation – Accession #M00-03-8001

As reported last month, 31 boxes in Accession #M00-03-8001 continue to be retained by the Office of Trust Records (OTR). During this reporting period, they were moved by OTR staff from the 12th Street warehouse to a research room in the main OTR facility so that they can be reviewed by the Office of the Special

Trustee (OST) to determine whether some of their contents might be federal/trust records or whether they had been properly marked, originally, as non-record duplicates. This review is ongoing.

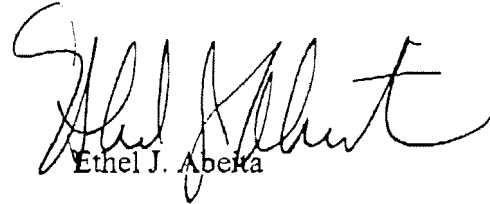
ADMINISTRATIVE:

OTR managers continued making adjustments to the Fiscal Year 2005 budget.

GENERAL OBSERVATIONS:

OTR records operations staff continued to struggle to meet the demands placed on them by attorneys and tribal and federal researchers for boxes and to continue to meet OTR program requirements.

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



Ethel J. Abeka