

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

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**NOTICE OF FILING OF MARCH 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 March 2005. A copy of the report is attached hereto.

Dated: April 15, 2005

Respectfully submitted,

ROBERT D. McCALLUM  
Associate Attorney General  
PETER D. KEISLER  
Assistant Attorney General  
STUART E. SCHIFFER  
Deputy Assistant Attorney General

/s/ J. Christopher Kohn  
J. CHRISTOPHER KOHN (D.C. Bar No. 212357)  
Director  
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CERTIFICATE OF SERVICE

I hereby certify that, on April 15, 2005 the foregoing *Notice of Filing of March 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*)  
Blackfeet Tribe  
P.O. Box 850  
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/s/ Kevin P. Kingston  
Kevin P. Kingston

**ACTIVITY REPORT**  
**OFFICE OF TRUST RECORDS**  
March 1 - 31, 2005

**PROGRAMMATIC:**

- Labat-Anderson (Labat) Indexing Project

Labat reported that 4,581 boxes of inactive Indian records were completed in March 2005. The total number of boxes completed through March 2005 is 111,611.

- Movement of Records

OTR moved 331 boxes of indexed inactive records from Albuquerque storage facilities to the American Indian Records Repository (AIRR) for permanent storage.

OTR, BIA and OST moved approximately 5,000 boxes of inactive records from various field locations to Lenexa for indexing and subsequent storage at AIRR.

Approximately 900 boxes of inactive records remain at OTR in Albuquerque, including 283 which require some remediation. The majority of the other boxes are litigation-hold boxes. Once the hold is lifted, the boxes will be shipped to Lenexa.

- Amended Certifications of Indian Fiduciary Trust Records (IFTR)

In January 2005 and February 2005, the National Park Service (NPS) and the Fish and Wildlife Service (FWS) amended their respective prior certifications to the Assistant Deputy Secretary. As reported in the *Status Report to the Court Number Seventeen*, each agency's respective prior certification had indicated that each agency had assessed its respective records series and that no record series had been identified as containing IFTR. Each agency has now identified a subset of one record series, in their respective records schedules, as containing IFTR. Each agency has taken steps to protect and prevent destruction of these records. The amended certifications were provided pursuant to the October 2004 memorandum issued by the Assistant Deputy Secretary to all Bureau Directors, Office Heads and the Solicitor to identify such records and to designate the records series containing IFTR as permanent within the agency or office records retention/disposition schedules. This information was inadvertently left out of reports for January and February.

- Records Retention Schedules

The Archivist of the United States approved and signed the 2005 updates to the 16 Bureau of Indian Affairs Manual General Trust Records Schedules on March 31, 2005. The following series were added or updated: 100 General Administration; 1200 Executive Management; 1300 Indian Gaming (New); 1400 Legal (New); 1500 Indian Self Determination (New); 2100 Budget (New); 2300 Contracts; 2400 Facility Management; 2500 Finance; 2600 Payroll; 2700 Personnel; 2800 Property/Procurement; 2900 Safety; 3200 Acknowledgment; 3300 Employment Assistance; 3400 Housing; 3600 Social Services; 3700 Tribal Government; and 4200 Credit.

OTR sent the following electronic systems records schedules to the BIA for final review and approval: Anadarko Real Estate Module (REM); Indian Forestry Database (InfoDat); Continuous Forest Inventory (CFI); and Geographic Information System (GIS). After BIA approval is received, OTR will forward the systems records schedules to the Archivist of the United States for approval.

- Consultation with Tribes

Tribal consultation meetings were held this month on proposed language for management of fiduciary trust records that will be negotiated in the FY 2006 funding agreements for compacted and contracted Tribes. Written comments are being accepted through April 1, 2005. All comments received at the meetings and the written comments will be considered by the Office of Self-Governance, Assistant Secretary – Indian Affairs, with assistance from the Assistant Deputy Secretary.

- Boxes Requiring Preservation and/or Remediation

As reported last month, Carino Conservation completed and delivered its report to OTR on the 283 boxes assessed. OTR forwarded the report to the National Archives and Records Administration (NARA) in March. OTR anticipates working with NARA on remediation of these records, as necessary.

- Individual Files Requiring Preservation

OTR staff and NARA have been addressing the individual files which may contain documents in need of preservation. OTR staff places fragile documents in protective sleeves and uses archival tape to repair torn documents as they are identified during indexing. As reported in the November 2004 report, an analysis of data contained in the Box Index Search System (BISS) identified approximately 7,500 files out of 2,713,000 files that contain one or more documents that may be at risk due to age of the document, over usage, or other conditions. This will be an ongoing project as documents are identified in the BISS.

- Site Assessments

Last month, OTR had anticipated completing records management site assessments at six agencies in the Southwest Region. However, OTR completed assessments of BIA programs at four agencies (Ramah, Zuni, Jicarilla and Mescalero) and the Southwest Regional Office. The OST program office located at the Southwest Region was also assessed during March. Written reports were completed and sent to the Zuni and Ramah agencies. It is anticipated that the remaining reports will be completed and forwarded to the remaining offices in April 2005.

- Records Training

OTR provided records management training to 38 BIA identified records contacts.

- Equipment

OTR did not provide any file storage equipment in March.

- Records Evaluation – Accession #M0003-8001

The 31 boxes continue to remain at OTR pursuant to a litigation hold by the Office of the Solicitor for the Jicarilla Apache and Pueblo of Laguna tribal trust litigation cases. Once the boxes are released, OST can carry out its plans to verify whether any potential records are also filed at the field office.

- Litigation Support

OTR continued to provide litigation support in research of records for tribal trust litigation cases including: Jicarilla Apache, Pueblo of Laguna, Confederated Tribes of the Warm Springs Reservation of Oregon, and Shoshone-Arapaho. OTR continued to provide access to records to the Office of Historical Trust Accounting and OST program offices and responded to research requests from OST and BIA.

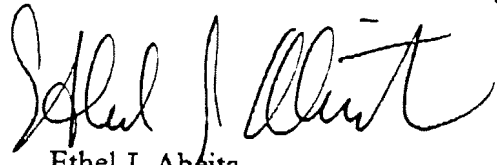
#### **ADMINISTRATIVE:**

Ordinary administrative activities continued.

#### **GENERAL OBSERVATIONS:**

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

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

A handwritten signature in black ink, appearing to read 'Ethel J. Abeita', written in a cursive style.

Ethel J. Abeita