

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,)
)
 Plaintiffs,)
)
 v.) Case No. 1:96cv01285(JR)
)
 DIRK KEMPTHORNE, Secretary of the Interior,)
 et al.,)
)
 Defendants.)
 _____)

**NOTICE OF FILING OF DECEMBER 2008 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 December 2008. A copy of the report is attached hereto.

Dated: January 15, 2009

Respectfully submitted,

GREGORY G. KATSAS
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MICHAEL F. HERTZ
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ John R. Kresse
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CERTIFICATE OF SERVICE

I hereby certify that, on January 15, 2009 the foregoing *Notice of Filing of December 2008 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
December 1 - 31, 2008

PROGRAMMATIC:

- Labat-Anderson (Labat Indexing Project)

Labat reported that indexing of 1,040 boxes of inactive Indian records was completed in December 2008. The total number of boxes completed through December 2008 is approximately 185,725.

- Movement of Records

The Bureau of Indian Affairs (BIA) and Office of the Special Trustee (OST) moved 1,474 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.

- Site Assessments Statement

During the month of December, OTRA performed two follow-up records assessments, one each at the following locations: Papago Agency BIA office and Papago OST IIM field office. OTRA issued four records management assessment reports, one each at the following locations: Land Titles and Records Office - Great Plains Region BIA office, Midwest Region BIA office, Midwest Region OST IIM field office, and National Interagency Fire Center BIA office.

- Records Training

In December 2008, OTR provided records management training for 6 BIA/OST records contacts and 14 Tribal employees. OTR provided training on vital records for 20 Tribal employees.

- Discovery of Additional Document Damage and Need for Remediation

On July 23, 2008, an attorney from the Office of the Solicitor and a representative from the BIA, Navajo Regional Office, discovered documents which appeared to have sustained water damage in two outlying buildings close to the Chinle Agency. A report addressing the situation was filed with the United States Court of Federal Claims in the Navajo Nation v. United States litigation. A supplementary report was filed with that court on October 7, 2008. As reported last month, on November 11, 2008, the Government filed an unopposed motion to move and remediate the records which the court granted on November 13. On

November 19, the documents were shipped for remediation, which is expected to be completed during the next several months.

- 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, the Department of Justice and its contractors, and tribal attorneys on behalf of various Tribes. AIRR staff provided responses to 137 research requests from BIA, OST and other requesters. With the filing of numerous tribal trust litigation cases, litigation-related information and document requests pertaining to records at the AIRR continue to increase. Many of these requests have very short deadlines.

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 Statement described above.



Ethel J. Abejta

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.



Larry Morrin
Director, Office of Trust Review and Audit