

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**NOTICE OF FILING OF JANUARY 2009 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 January 2009. A copy of the report is attached hereto.

Dated: February 13, 2009

Respectfully submitted,

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

/s/ Robert E. Kirschman, Jr.
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Deputy Director
(D.C. Bar No. 406635)
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CERTIFICATE OF SERVICE

I hereby certify that, on February 13, 2009 the foregoing *Notice of Filing of January 2009 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
January 1 - 31, 2009

PROGRAMMATIC:

- Labat-Anderson (Labat Indexing Project)

Labat reported that indexing of 572 boxes of inactive Indian records was completed in January 2009. The total number of boxes completed through January 2009 is approximately 186,300. OTR is expected to terminate its contractor relationship with Labat on March 31, 2009. OTR is hiring staff to continue indexing records after the contract is terminated.

- Movement of Records

The Bureau of Indian Affairs (BIA) and Office of the Special Trustee (OST) moved 850 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 January, OTRA performed two follow-up records assessments, one each at the following locations: Colorado River Agency BIA office and Colorado River OST IIM field office. OTRA issued two records management assessment reports, one each at the following locations: Papago Agency BIA office and Papago OST IIM field office.

- Records Training

In January 2009, OTR provided records management training for 5 BIA/OST records contacts and 4 Tribal employees. OTR did not provide training on vital records this reporting period.

- 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. The documents have now been remediated and were returned to the BIA Chinle Agency. The boxes arrived at Chinle Agency on January 27, 2009.

- **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 131 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.



for Ethel J. Abeita

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