

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 NOVEMBER 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 November 2008. A copy of the report is attached hereto.

Dated: December 15, 2008

Respectfully submitted,

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

/s/ John R. Kresse
ROBERT E. KIRSCHMAN, JR.
Deputy Director
(D.C. Bar No. 406635)
JOHN R. KRESSE
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875, Ben Franklin Station
Washington, D.C. 20044-0875
Telephone: (202) 616-0328

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2008 the foregoing *Notice of Filing of November 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*)
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, 2008

PROGRAMMATIC:

- Labat-Anderson (Labat Indexing Project)

Labat reported that indexing of 1,338 boxes of inactive Indian records was completed in November 2008. The total number of boxes completed through November 2008 is approximately 184,685.

- Movement of Records

The Bureau of Indian Affairs (BIA) and Office of the Special Trustee (OST) moved 1,526 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 November, OTRA performed 3 records management assessments, one each at the following locations: Midwest Region BIA office; Midwest OST IIM field office; and Land Title and Records BIA office, Great Plains Region. OTRA issued 4 records management assessment reports, one each at the following locations: Fort Hall Agency BIA office, Fort Hall OST IIM field office, Chickasaw Agency BIA office, and Chickasaw OST IIM field office.

- Records Training

In November 2008, OTR provided records management training for 76 BIA/OST records contacts and 27 tribal employees. OTR provided training on vital records for 13 BIA/OST 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. The

documents were shipped for remediation on November 19, 2008, 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 120 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. Abeta

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.



Sheila Roy
Acting Director, Office of Trust Review and
Audit