

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ ELOUISE PEPION COBELL et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV10285
	)	(Judge Lamberth)
GALE NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING OF REPORT ON DAMAGED  
RECORDS BY THE DEPARTMENT OF THE INTERIOR**

The Department of the Interior hereby submits its report on damaged records pursuant to the Court's order of September 9, 2004. A copy of the report is attached hereto.

Dated: September 21, 2004

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 21, 2004 the foregoing *Notice of Filing of Report on Damaged Records by the Department of the Interior* 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

## REPORT

This report is prepared pursuant to the Order and Memorandum entered in Cobell v. Norton on September 9, 2004, which requires a “complete report of the current status of the damaged records discussed herein” within ten days. Order, p. 13. These records consist of sixty-two boxes of records which were located at 4320 Yale, N.E., Albuquerque, New Mexico (hereinafter “Yale facility”) on February 24, 2004, and certain boxes of records containing mold or mouse droppings.

### I. Background

#### A. Collection of Boxes from BIA Field Locations

Records currently in OTR’s possession have been collected from the Bureau of Indian Affairs (BIA) field offices, where some boxes were being stored in adverse conditions. In 1999, the Special Master made several site inspections of BIA field offices to see the conditions under which records were stored. Thereafter, he filed a series of reports with the Court, which included his personal observations of the conditions under which boxes were stored. In his report entitled *Recommendation and Report of the Special Master Regarding Document Preservation and Protection*, dated June 7, 1999, p. 8-10, he discusses the potential of hantavirus exposure and dead mice in the storage facilities. In another report, dated October 29, 1999, he stated that at the Ft. Belknap Agency “[t]he contents of these boxes were apparently not inspected on site due to the presence of a dead mouse which alerted local officials to the possibility of hantavirus infection.” See *Report of the Special Master Regarding Site Visits to Area and Agency Offices*, p. 5. The Special Master also reported seeing boxes sitting in a

puddle of water. *See Third Report of the Special Master Regarding Site Visits to Area and Agency Offices* dated November 12, 1999, p. 2.

In the *Quarterly Status Report to the Court Number Seven*, it was reported by Interior at page 36, paragraph “HH. Complete Project to Cleanup Existing Disposition Backlog at BIA Agencies” that “...Iron Mountain has subcontracted with an international disaster recovery company to perform assessments and decontamination processes at BIA locations where records are found to be stored in unhealthy conditions.

Environmental assessments have thus far been performed at a number of locations within the Navajo Region.” In the *Quarterly Status Report to the Court Number Nine*, at page 89, it was reported that “[d]uring this period, OTR’s contractor moved approximately 1,000 cubic feet of inactive records from office space or inappropriate off-site storage to its facilities for cleanup and organizing, bring the cumulative total to over 33,000 boxes of records being moved.” OTR was experiencing difficulty in removing trust program related records “from inadequate off-site storage facilities at a number of BIA locations.” OTR reported “some of these locations are the very same sites identified in the Special Master’s November 12, 1999, report as having documents ‘in serious jeopardy.’” Thus, through the Special Master reports, the Court was made aware of the fact that boxes in the field had been contaminated with mouse droppings and exposed to other adverse elements.

These are some of the same boxes of records which I mention in the letter to Susan Sandoval, Indian Educators Federation Field Representative, as containing mold. Some of the boxes in OTR’s physical custody are records which were brought to Albuquerque, NM under a project known as “fast pack” in response to the concerns

conveyed by the Special Master in his various reports. During the “fast pack” OTR staff and its contractors collected boxes as they found them. Some boxes had been exposed to pests, in particular mice, water and other adverse environmental conditions at the field locations. Boxes with mold were isolated from other boxes as soon as the mold was discovered.

#### B. OTR Storage Facilities

Prior to 2004, boxes of records were stored at Iron Mountain Records Management facilities in Albuquerque, New Mexico and Portland, Oregon, and in OTR facilities at 1551 Mercantile, N.E., Suite C, at the Hawkins Records Center, 3800 Hawkins, N.E., Suite C, and at the 12<sup>th</sup> Street Warehouse in Albuquerque. In 2003, OTR began to consolidate all of its holdings in one location at 1551 Mercantile, N.E., Suite C and to terminate its contract with Iron Mountain and the lease for the Hawkins location. The termination of the Iron Mountain lease was reported to the Special Master in monthly reports beginning in October 2002.

However, before collections could be entirely consolidated, events overtook OTR’s plan. The Office of Historical Trust Accounting (OHTA) required space for its contractors to work directly with the records to conduct historical accountings and work with Special Deposit Accounts. It was decided that OHTA would locate its contractors in the available space at 1551 Mercantile, N.E., Suite C. Because the contract with Iron Mountain was to be terminated, OTR had to locate other space in close proximity to the OTR office at 1551 Mercantile, N.E., Suite A. OTR, through the Department of the Interior Leasing Office, procured other storage space in Albuquerque. Contracting Officer Judy Friel completed negotiations for 9,000 square feet of warehouse space,

including truck docks, located at the Midtown Business Park, Suite C-D, 4320 Yale, N.E. The contracting officer executed U.S. Government Lease for Real Property Lease Number NBC-04-02-OTR on November 18, 2003 (Attachment 1).

OTR specifically required that the facility be free from any roof leaks. Item number three of the lease “3. Other Requirements” specified “the space must be free of roof leaks. Lessor will provide a certification of inspection by a licensed roofer that the roof is in good repair and has no leaks.” OTR relied upon the contracting officer to ensure that this lease requirement was fulfilled. After the roof leaked, OTR requested that the contracting officer terminate the contract for breach of the requirements. It was at this time that OTR learned that the certification of inspection was not in the lease file maintained by the Department’s Leasing Office. Within a week after February 24, 2004, the Yale facility was no longer used for records storage.

OTR also has leased 32,000 square feet of space at the AADF Warehouse, 5600 Second Street, N.W. (“AADF Warehouse”). The lease is a month to month lease as OTR intends to move all records from facilities in Albuquerque to the American Indian Records Repository (AIRR) in Lenexa, Kansas by the end of this year. AIRR provides state-of-the-art archival quality storage conditions. The AADF space is in close proximity to OTR’s offices, has a loading dock and the Lessor is able to provide carrier services to move large numbers of boxes. The facility is secured and has a guard posted twenty-four hours a day/seven days a week. The AADF Warehouse does also store agricultural commodities and other paper products. As a consequence, the facility must meet stringent standards for the storage of such commodities which requires it to be free of pests, mold and moisture and that the facility is regularly inspected to ensure that there

are no pests. Inside the facility itself, OTR has its boxes segregated behind locked fencing and only OTR has access to the area.

## II. Sixty-Two Boxes of Records at the Yale Facility

As previously stated, as OTR was terminating its storage contract with Iron Mountain, the Interior Department's leasing office procured space for OTR at the Yale facility. OTR began moving boxes into the facility in late December 2003.

It was discovered on the morning of February 24, 2004 that the roof at the Yale facility was leaking. On February 23, 2004, Albuquerque received its greatest daily total of rainfall in February in more than 70 years. *See Preservation Assessment Report to the Office of Trust Records of the Bureau of Indian Affairs [sic] and to the National Archives and Records Administration*, July 7, 2004, p. 3, footnote ("Assessment Report I") (Attachment 2). Although exposed to water, the records did not sustain mold damage and do not need remedial preservation treatment. *See id.*, Executive Summary, p. 2.

Upon arrival at the Yale facility on February 24, 2004, Thomas Kerstetter, an OTR records service center specialist, proceeded to inspect the facility and discovered numerous roof leaks. He observed standing water on the floor, water running down a wall and several document storage boxes on one pallet that were wet, which had sixty-two boxes on it and a leak above it. Mr. Kerstetter took pictures of the facility and the boxes affected which are attached (Attachment 3).

The pallet was relocated to the AADF Warehouse where the boxes were opened and allowed to air dry. The boxes were inspected by records service center staff and the Records Operations Division Manager. Once dry, the records were put into new boxes. It has been the practice of OTR that when it is necessary to rebox records, the front of the



old box is cut off and placed in the new box in order to preserve all information recorded on the front of the box. Further, in this case, the original boxes have been retained and are available for inspection.

OTR requested the National Archives and Records Administration (NARA) to procure the services of a qualified individual to inspect the affected boxes. NARA hired Ms. JoAnne Martinez-Kilgore of Carino Conservation, located in Albuquerque, New Mexico. Ms. Martinez-Kilgore has worked for numerous entities in document preservation. *See Curriculum Vitae (Attachment 4)*. Ms. Martinez-Kilgore went to the AADF warehouse to inspect the boxes of records on June 7 and 8, 2004. All sixty-two boxes on the affected pallet were made available for inspection. She was also provided the original boxes. Her inspection disclosed that of the sixty-two boxes, records in four boxes showed some signs that they had been “minimally exposed to water.” She reported, however, that “[n]one of the damage observed compromised the information held in the records. The records have not sustained mold damage. The boxes of records do not need remedial preservation treatment.” *See Assessment Report I, Executive Summary*, p. 2.

Ms. Martinez-Kilgore took photographs which are included in *Assessment Report I*. She states that four boxes (903, 915, 917, and 940) contained file folders which showed signs of exposure to water. In boxes 903, 915 and 940, the bottom fold area of the file folders are slightly stained and “cockled.” However, the paper records contained in the file folders showed little evidence of exposure to water and exhibited no damage that would impede access to the information of the records. *See Assessment Report I*, p.12. She also reported that box 917 had colored carbon copies and some of the color on

some of the paper has run slightly at the edge that was in contact with the bottom of the box. “Some of these papers are slightly adhered and cockled from the moisture. The paper separates easily, however, with no damage to the paper. The areas of slight damage do not impact the access to the information on those records.” *Id.* Ms. Martinez-Kilgore’s review also disclosed there is no evidence of mold growth in any of the four boxes. However, she did indicate that the records could be at an increased risk of further deterioration because of the exposure.

OTR intends to ship these records to AIRR. The AIRR was dedicated in May 2004 and as noted before, is a state-of-the-art records storage facility. The facility has moisture, temperature and air/gas mixture controls. AIRR was built pursuant to an agreement between the National Archives and Records Administration (NARA) and the Department of the Interior for the purpose of storing boxes of inactive Indian records in the best possible conditions.

### III. Boxes With Mold, Water Damage and Mouse Droppings

At the time I responded to the letter from Susan Sandoval, I was informed that 350 boxes of records contained mold. This was based on the best available information from my staff. Subsequent discussions with staff have clarified that the 350 figure was a high estimate of boxes which may have been exposed to some type of harm, be it mouse dropping, exposure to water or mold. It was high because OTR staff had not yet been able to open every box they thought might be affected. We have now opened them and determined that the number is closer to 285. As discussed previously, these boxes came into OTR’s custody in this condition with mold, and/or having been exposed to water and mouse droppings. It has been OTR’s intention to deal with the 285 boxes and any others

discovered during indexing at the completion of the Albuquerque stage of the indexing project.

A. Mold Boxes

1. Navajo Region

Since OTR staff has now been able to touch every box in this group, they have now determined that there are 155 boxes from the Navajo Region which have mold (and came into OTR's custody in that condition). Of the 155, it has been determined by OTR records specialists that approximately half of the boxes contain trust documents and half do not. The boxes are segregated in the 12<sup>th</sup> Street Warehouse so as not to expose other boxes of records to mold. OTR intends to have a records preservationist contractor assess these records and recommend and implement remedial measures for these boxes of records. The acquisition process on procuring a contractor began in August 2004. It is anticipated that OTR will have a contract in place in mid-October 2004. The request for proposals is expected to be advertised by the National Business Center Contracting Office by Monday, September 20, 2004.

2. Other Boxes Exposed to Water at Field Locations

There are 27 boxes that were exposed to water (while the records were in field locations). These boxes came from the Blackfeet Agency in this condition. Ms. Martinez-Kilgore assessed these boxes on September 15, 2004. Her report disclosed that two of these boxes have a few documents where some information has become unreadable. She described these as a handful of documents in each of two boxes. *See Preservation Assessment of Boxes Exhibiting Exposure to Moisture and Exposure to Rodent Infestation*, dated September 17, 2004, Executive Summary, p. 2 ("Assessment

Report II”) (Attachment 5). These boxes were assessed at the AADF Warehouse. They have since been relocated to the 12<sup>th</sup> Street Warehouse. Her assessment of these 27 boxes is reflected in Appendix B of Assessment Report II. As noted, it is anticipated that OTR will have a contract in place in mid-October 2004, with a vendor which will assist OTR in the clean up of these boxes.

B. Mouse Dropping Boxes

1. Boxes in OTR’s Possession

In December 2003, OTR contracted to have its collections of records indexed (“indexing project”). As reported most recently in the *Quarterly Status Report to the Court Number Seventeen*, the index is designed to serve as an electronic finding aid to research boxes of records. It provides box and file level information of all boxes; that is, within each box, the title on each folder is captured along with the date range, and region or agency that created the records. In the case of financial records, a document type also is captured. An indexer must remove files from the boxes in order to index them. Thus far, as the boxes have been opened and files removed for indexing, approximately 35 boxes have been found to contain mouse droppings. Thus, the boxes are “newly found boxes” in that OTR staff cannot know whether any particular box contains mouse droppings until the indexing contractor staff begins working with the box. More such boxes may be discovered as indexing continues.

On September 15, 2004, the 35 boxes found by the indexing contractor to have mouse droppings in them were assessed by Ms. Martinez-Kilgore. The results of the review of these boxes are included in Assessment Report II, Appendix A. She recommends that the boxes be repaired and cleaned so that they can be stored in a NARA

facility. OTR intends to do so when the contract is awarded by the National Business Center, which is anticipated in mid-October 2004. OTR's practice has been to remove the boxes from the indexing project and to isolate them. A benefit of the indexing project is that with every box being opened, OTR has been able to find boxes which require remedial work.

## 2. Southwest Regional Office Boxes

Twenty-six boxes stored by the Bureau of Indian Affairs Southwest Regional Office (SWRO) in their storage facility were found to have mouse droppings in January 2004, when they were being prepared to be transferred to OTR custody. Currently, these boxes remain in BIA custody. There are a total of 34 boxes in the collection. Actual opening of the boxes have disclosed that 26 boxes have mouse droppings. These boxes are currently stored in a BIA warehouse facility located in Albuquerque. OTR intends to work with the Southwest Region to assist the region with cleaning boxes of records. Again, it is anticipated the National Business Center will issue the request for proposals on September 20, 2004.

## IV. Other Information Contained in the Report

Assessment Report I provided by Ms. Martinez-Kilgore also includes additional observations regarding the general condition of the boxes. In some instances, Ms. Martinez-Kilgore found boxes are "overcrowded." Assessment Report I, p. 10. The Special Master emphasized that it was essential that the integrity of the boxes be maintained. He expressed his concern that there was a reason why the box was originally packed and shipped the way it was and that that integrity must be maintained. Thus, overcrowded box contents have not been thinned or separated by OTR staff to allow

more space in a box. When I came on board, OTR had a contract with Iron Mountain to reorganize the contents of boxes by record series. Boxes were reorganized using the then existing records schedule, 16 Bureau of Indian Affairs Manual. The reorganization of the boxes by Iron Mountain was especially troublesome to the Special Master. The concern expressed by him was that in addition to there being a reason for the contents of the box being what it was, if the boxes are taken apart and reorganized, no one will ever know what was in the box when it left its office of origin or if documents were lost in the process of reorganizing. Thus, the Iron Mountain reorganization project was halted in October 2002, by the Assistant Deputy Secretary (and reported to the Special Master) and the boxes which did not undergo reorganization remain in the condition they were received and are undergoing indexing.

The information provided in this report is based upon my personal knowledge and information provided to me by various members of the OTR staff. Based on this knowledge and information, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Ethel J. Abeita  
Ethel J. Abeita  
Director, Office of Trust Records

# U.S. GOVERNMENT LEASE FOR REAL PROPERTY (Short Form)

1. LEASE NUMBER

NBC-04-02-OTR

## PART I - SOLICITATION/DESCRIPTION OF REQUIREMENTS (To be completed by Government)

### A. REQUIREMENTS

The Government of the United States of America is seeking to lease approximately 9,000 rentable square feet of warehouse space located in Albuquerque, New Mexico, for occupancy not later than November 15, 2003 for a term of nine (9) months, with two) three-month options. Rentable space will be used by Tenant for records storage.

### B. STANDARD CONDITIONS AND REQUIREMENTS

The following standard conditions and requirements shall apply to any premises offered for lease to the UNITED STATES OF AMERICA (hereinafter called the GOVERNMENT):

Space offered must be in a quality building of sound and substantial construction, either a new, modern building or one that has undergone restoration or rehabilitation for the intended use.

The Lessor shall provide a valid Occupancy Permit for the intended use of the Government and shall maintain and operate the building in conformance with all applicable current (as of the date of this solicitation) codes and ordinances. Below-grade space to be occupied by the Government and all areas in a building referred to as "hazardous areas" in National Fire Protection Association Standard 101, or any successor standard thereto, must be protected by an automatic sprinkler system or an equivalent level of safety. The Building and the leased space shall be accessible to workers with disabilities in accordance with the Americans With Disabilities Act Accessibility Guidelines (36 CFR Part 1191, App. A) and the Uniform Federal Accessibility Standards (41 CFR 101-19.6, App. A). Where standards conflict, the more stringent shall apply.

The leased space shall be free of all asbestos containing materials, except undamaged asbestos flooring in the space or undamaged boiler or pipe insulation outside the space, in which case an asbestos management program conforming to Environmental Protection Agency guidance shall be implemented. The space shall be free of other hazardous materials according to applicable Federal, State, and local environmental regulations.

Services, utilities, and maintenance will be provided daily, extending from 7:00 a.m. to 6:00 p.m. except Saturday, Sunday, and Federal holidays. The Government shall have access to the leased space at all times, including the use of electrical services, toilets, lights, elevators, and Government office machines without additional payment.

### 2. SERVICES AND UTILITIES (To be provided by Lessor as part of rent)

HEAT	TRASH REMOVAL	ELEVATOR SERVICE	INITIAL & REPLACEMENT	OTHER
ELECTRICITY	CHILLED DRINKING WATER	WINDOW WASHING	LAMPS, TUBES & BALLASTS	(Specify below)
POWER (Special Equip.)	AIR CONDITIONING	Frequency _____	PAINTING FREQUENCY	
WATER (Hot & Cold)	TOILET SUPPLIES	CARPET CLEANING	Space N.A. _____	
SNOW REMOVAL	JANITORIAL SERV. & SUPP.	Frequency _____	Public Areas N.A. _____	

### 3. OTHER REQUIREMENTS

The space must be free of roof leaks. Lessor will provide a certification of inspection by a licensed roofer that the roof is in good repair and has no leaks. The lessor will also provide a certification of inspection that the HVAC system is in good working order, and lessor agrees to maintain the HVAC system in good working order for the term of this lease.

Lessor certifies that it will change the locks prior to tenant's occupancy. The Government reserves the right to install additional locks or security systems.

Tenant will pay utilities directly to utility companies and understands that utilities are not included in the rent.

Tenant will pay for janitorial services and supplies and understands that those services and supplies are not included in the rent.

Lessor's offer and floor plan attached to and made a part of this lease.

OTE: All offers are subject to the terms and conditions outlined above, and elsewhere in this solicitation, including the Government's General clauses and Representations and Certifications.

## PART II - OFFER (To be completed by Offeror/Owner)

## A. LOCATION AND DESCRIPTION OF PREMISES OFFERED FOR LEASE BY GOVERNMENT

5. NAME AND ADDRESS OF BUILDING (Include ZIP Code)

Midtown Business Park, Suite C-D, 4320 Yale NE,  
Albuquerque, New Mexico

6. LOCATION(S) IN BUILDING

b. ROOM NUMBER(S)

c. RENTABLE SQ. FT.

9,000

d. TYPE

OFFICE/WAREHOUSE, including truck docks

## B. TERM

To have and to hold, for the term commencing on November 15, 2003 and continuing through August 14, 2004 inclusive, with two (2) three (3) month options to extend at the same terms and conditions as the initial term of the lease.

## C. RENTAL

Rent shall be payable in arrears and will be due on the first workday of each month. When the date for commencement of the lease falls after the 15th day of the month, the initial rental payment shall be due on the first workday of the second month following the commencement date. Rent for a period of less than a month shall be prorated.

7. AMOUNT OF ANNUAL RENT

\$55,179 (\$6.13/square foot)

9. Rent will be paid by electronic fund transfer.

8. RATE PER MONTH

\$4,598.25

NAME AND ADDRESS OF OWNER (Include ZIP code. If requested by the Government and the owner is a partnership or joint venture, list all General Partners, using a separate sheet, if necessary.)

Midtown Business Center Associates, L. P., c/o BGK Albuquerque Property Management Corporation, 4665 Indian School Road NE, Suite 200,  
Albuquerque, NM 87110

10. TELEPHONE NUMBER OF OWNER

505) 246-9800

11. TYPE OF INTEREST IN PROPERTY OF PERSON SIGNING

OWNER

AUTHORIZED AGENT

OTHER (Specify)

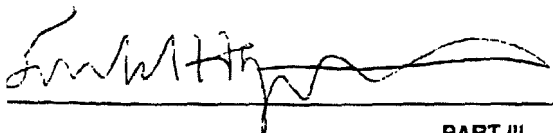
12. NAME OF OWNER OR AUTHORIZED AGENT

Field H. Griffith

13. TITLE OF PERSON SIGNING

President

14. SIGNATURE OF OWNER OR AUTHORIZED AGENT



15. DATE

11/17/03

OFFER REMAINS OPEN UNTIL 4:30 P.M.

(Date)

## PART III - AWARD (To be completed by Government)

Our offer is hereby accepted. This award consummates the lease which consists of the following documents: (a) this GSA Form 3626, (b) Representations and Certifications, (c) the Government's General Clauses, and (d) the following changes or additions made or agreed to by you:

THIS DOCUMENT IS NOT BINDING ON THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNLESS SIGNED BELOW BY AUTHORIZED CONTRACTING OFFICER.

16. NAME OF CONTRACTING OFFICER (Type or Print)



SIGNATURE OF CONTRACTING OFFICER

JUDITH L. FRIEL

17c. DATE

11/18/03



**GENERAL CLAUSES  
(Simplified Leases)**

(Acquisition of Leasehold Interests in Real Property for Leases Up to \$100,000 Net Annual Rent)

1. The Government reserves the right, at any time after the lease is signed and during the term of the lease, to inspect the leased premises and all other areas of the building to which access is necessary to ensure a safe and healthy work environment for the Government tenants and the Lessor's performance under this lease.
2. If the building is partially or totally destroyed or damaged by fire or other casualty so that the leased space is untenable as determined by the Government, the Government may terminate the lease upon 15 calendar days written notice to the Lessor and no further rental will be due.
3. The Lessor shall maintain the demised premises, including the building, building systems, and all equipment, fixtures, and appurtenances furnished by the Lessor under this lease, in good repair and tenable condition. Upon request of the Contracting Officer, the Lessor shall provide written documentation that building systems have been maintained, tested, and are operational.
4. In the event the Lessor fails to perform any service, to provide any item, or meet any requirement of this lease, the Government may perform the service, provide the item, or meet the requirement, either directly or through a contract. The Government may deduct any costs incurred for the service or item, including administrative costs, from the rental payments.
5. 52.252-2 - CLAUSES INCORPORATED BY REFERENCE (VARIATION) (SEP 2001)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make the full text available or the full text may be found on the Internet as GSA Form 3517A (Full Text) at <http://www.gsa.gov/Portal/offering.jsp?OID=113404>

6. The following clauses are incorporated by reference:

GSAR 552-203-5	COVENANT AGAINST CONTINGENT FEES (FEB 1990) (Applicable to leases over \$100,000.)
GSAR 552-203-70	PRICE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (SEP 1999) (Applicable to leases over \$100,000.)
FAR 52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (JUL 1995) (Applicable to leases over \$25,000.)
FAR 52.219-9	SMALL BUSINESS SUBCONTRACTING PLAN (OCT 2000) (Applicable to leases over \$500,000.)
FAR 52.219-16	LIQUIDATED DAMAGES - SUBCONTRACTING PLAN (OCT 2000) (Applicable to leases over \$500,000.)
GSAR 552.219-72	PREPARATION, SUBMISSION, AND NEGOTIATION OF SUBCONTRACTING PLANS (SEP 1999) (Applicable to leases over \$500,000 if solicitation requires submission of the subcontracting plan with initial offers.)
GSAR 552.219-73	GOALS FOR SUBCONTRACTING PLAN (SEP 1999) (Applicable to leases over \$500,000 if solicitation does not require submission of the subcontracting plan with initial offers.)

INITIALS:

FHH  
LESSOR

&amp;

[Signature]  
GOVERNMENT

FAR 52.222-26 EQUAL OPPORTUNITY (FEB 1999)  
(Applicable to leases over \$10,000.)

FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)  
(Applicable to leases over \$10,000.)

FAR 52.222-35 AFFIRMATIVE ACTION FOR DISABLED VETERANS AND VETERANS OF  
THE VIETNAM ERA (APR 1998)  
(Applicable to leases over \$10,000.)

FAR 52.222-36 AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUN 1998)  
(Applicable to leases over \$10,000.)

FAR 52.222-37 EMPLOYMENT REPORTS ON DISABLED VETERANS AND VETERANS  
OF THE VIETNAM ERA (JAN 1999)  
(Applicable to leases over \$10,000.)

FAR 52.232-23 ASSIGNMENT OF CLAIMS (JAN 1986)  
(Applicable to leases over \$2,500.)

GSAR 552.232-75 PROMPT PAYMENT (SEP 1999)

GSAR 552.232-76 ELECTRONIC FUNDS TRANSFER PAYMENT (MAR 2000)

FAR 52.233-1 DISPUTES (DEC 1998)

FAR 52.215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA  
(OCT 1997)  
(Applicable when cost or pricing data are required for work or services  
exceeding \$500,000.)

FAR 52.215-12 SUBCONTRACTOR COST OR PRICING DATA (OCT 1997)  
(Applicable when the clause at FAR 52.215-10 is applicable.)

The information collection requirements contained in this solicitation/contract, that are not required by regulation, have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned the OMB Control No. 3090-0163.

INITIALS:

  
LESSOR

&amp;

  
GOVERNMENT

**REPRESENTATIONS AND CERTIFICATIONS (Short Form)**  
(Simplified Acquisition of Leasehold Interests in Real Property for  
Leases Up to \$100,000 Annual Rent)

Solicitation Number

Dated

Complete appropriate boxes, sign the form, and attach to offer.

The Offeror makes the following Representations and Certifications. NOTE: The "Offeror," as used on this form, is the owner of the property offered, not an individual or agent representing the owner.

1. SMALL BUSINESS REPRESENTATION (SEP 2001)

- (a) The offeror represents that it ☐ is, ☒ is not a small business concern. "Small" means a concern, including its affiliates, that is independently owned and operated, is not dominant in the field of operation, and has average annual gross revenues of \$15 million or less for the preceding three fiscal years. The North American Industry Classification System (NAICS) code for this acquisition is 531190.
- (b) The offeror represents that it ☐ is, ☒ is not a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (c) The offeror represents that it ☐ is, ☒ is not a women-owned small business concern as defined in 48 CFR 52.219-1.
- (d) The offeror represents that it ☐ is, ☒ is not a veteran-owned small business concern as defined in 48 CFR 52.219-1.
- (e) The offeror represents that it ☐ is, ☒ is not a service-disabled veteran-owned small business concern as defined in 38 U.S.C. 101(2), 38 U.S.C. 101(16), and 48 CFR 52.219-1.

2. 52.222-22 - PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)

(Applicable to leases which exceed \$10,000.)

The Offeror represents that --

- (a) It ☐ has, ☒ has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation;
- (b) It ☐ has, ☒ has not filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards. (Approved by OMB under Control Number 1215-0072.)

3. 52.222-25 - AFFIRMATIVE ACTION COMPLIANCE (APR 1984)

(Applicable to leases which exceed \$10,000 and which include the clause at FAR 52.222-26, Equal Opportunity.)

The Offeror represents that --

- (a) It ☒ has developed and has on file, ☐ has not developed and does not have on file, at each establishment affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or
- (b) It ☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor. (Approved by OMB under Control Number 1215-0072.)

4. 52.203-11 - CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APR 1991)

(Applicable to leases which exceed \$100,000.)

- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989, --
  - (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
  - (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and
  - (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

TIALS: FTH & Jeff  
LESSOR GOVERNMENT

- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

5. 52.204-3 - TAXPAYER IDENTIFICATION (OCT 1998)

(a) Definitions.

"Common parent," as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

- (b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

- (c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(d) Taxpayer Identification Number (TIN).

- \* TIN: 85-0409580
- \* ~~TIN has been applied for.~~
- \* ~~TIN is not required because:~~
  - \* ~~Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;~~
  - \* ~~Offeror is an agency or instrumentality of a foreign government;~~
  - \* ~~Offeror is an agency or instrumentality of the Federal government;~~

(e) Type of organization.

- \* ~~Sole proprietorship;~~
- \* ~~Partnership;~~
- \* ~~Corporate entity (not tax exempt);~~
- \* ~~Corporate entity (tax exempt);~~
- \* Government entity (Federal, State, or local);
- \* Foreign government;
- \* International organization per 26 CFR 1.6049-4;
- \* Other: Limited Partnership

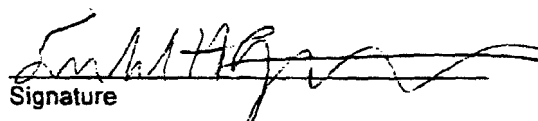
(f) Common Parent.

- \* Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.
- \* Name and TIN of common parent:

Name \_\_\_\_\_  
TIN \_\_\_\_\_

6. OFFEROR'S DUNS NUMBER (APR 1996)

Enter number, if known: \_\_\_\_\_

OFFEROR OR AUTHORIZED REPRESENTATIVE: BGK Albuquerque Property Management Corporation as agent for Midtown Business Center Associates, L. P.	Name and Address (Including ZIP Code) Midtown Business Center Associates, L. P. C/O BGK Albuquerque Property Management Corporation 4665 Indian School Road NE Albuquerque, NM 87110   Signature	Telephone Number (505) 246-9800  11/17/03 Date
--	---	--

TIALS: FTH & Off  
LESSOR GOVERNMENT

Department of the Interior - Main Building  
1849 C Street N.W. Room 2507  
Washington, DC 20240  
Fax: 202/208-2502  
Phone: 202/501-8604

**Department of the Interior  
Leasing Office**

**Fax**

<b>To:</b> Ethel Abeita	<b>From:</b> Judy Friel
<b>Fax:</b> 505/816-1690	<b>Date:</b> November 18, 2003
<b>Phone:</b> 505/816-1600	<b>Pages:</b> 7
<b>Re:</b> NBC-04-02-OTR Yale Boulevard.	<b>CC:</b> Joe Little 505/816-1613 (fax)

Ethel,

I executed the lease agreement for warehouse space with Midtown Business Center Associates, L.P., for Suite C & D, Midtown Business Park, 4320 Yale Boulevard. A copy of the lease follows.

As I have asked of the AADF Warehouse space, I am requesting a copy of the Purchase Order for this leased space. I will use the Purchase Order to set up a 'direct payment' process with NBC finance to ensure timely monthly payments of the lease. Please fax a copy of the Purchase Order at your earliest convenience.

If you have any questions, please do not hesitate to call me at 202/437-8450.

Thanks.

cc: Patsy  
Joe

RECEIVED

NOV 18 2003

Office of the Special Trustee  
for American Indians  
OFFICE OF TRUST RECORDS  
(OTR)  
Director's Office

**Preservation Assessment Report to the  
Office of Trust Records of the  
Bureau of Indian Affairs  
and to the  
National Archives and Records Administration**

**Submitted by  
Jo Anne Martinez-Kilgore  
Cariño Conservation  
1608 Los Arboles Ave. N.W.  
Albuquerque, New Mexico 87107**

**July 7, 2004**

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## **Scope of the Assessment**

The goals of the Preservation Assessment conducted by Jo Anne Martinez-Kilgore Cariño Conservation were to ascertain the level of damage to records contained in a pallet of boxes that became wet in late February (2/24/04) and to recommend any necessary preservation treatment to insure the longevity of the information contained in those records.

Information for this report was gathered by site visits to examine boxes of records and by brief conversations with Office of Trust Records Staff:

- Ethel Abeita, Director, Office of Trust Records,
- Linda Skotta, Deputy Director, Office of Trust Records,
- Joseph Little, Chief of the Division of Records Management Operations,
- Andrew Abeyta, Chief of Records Management Policies, Procedures, and Training, and
- Wendell Galvan, Records Management Specialist.

This assessment does not address the organization and control practices utilized by OTR.

## **Executive Summary**

Ms. Martinez-Kilgore examined 62 boxes (listed in Appendix A) of records on June 7<sup>th</sup> and June 8<sup>th</sup>. Records in 4 of the boxes showed signs that they had been minimally exposed to water. None of the damage observed compromised the information held in the records. The records have not sustained mold damage. The boxes of records do not need remedial preservation treatment.

It is recommended that a written, integrated protocol for records response be developed by OTR and be integrated into work processes. A written and integrated protocol for response could clarify staff duties and responsibilities and spell out the rationale for those responsibilities. Detailed documentation of events could create a more useful record.



## The Event

The Office of Trust Records utilized a storage site at 4320 Yale NE in Albuquerque. On February 23<sup>rd</sup> and 24<sup>th</sup>, 2004, during a period of high precipitation in the Albuquerque area\*, the roof of the Yale storage facility developed leaks allowing water to enter the storage area. According to various witnesses (Wendall Galvan, contract employees), the water poured directly onto a pallet of shrink-wrapped boxes of records. Wendall Galvan said that OTR staff check records in storage at least every 24 hours to be aware of such occurrences.

According to Wendall Galvan the records were removed from the wet boxes within 24 hours. Staff spread out the records to be air-dried. After they became dry the records were placed in new record boxes. (Boxes from the National Center for Employment of the Disabled. Bursting Test 275. Min. Comb. Wt. Facings 138. Size Limit 95 inches. Gross Wt. Lt. 95 lbs.) Staff removed and included within the new box the side of the original box that contained the identification information (Unique OTR Accession Number, Unique OTR Tracking Number for a given year, and Unique NARA ID Number.)

Staff prepared an incident report and took photos to document the damage. However, according to Joseph Little, the report does not contain the specific box numbers of the records held on the affected pallet.

**\*From the "Weekly Weather and Crop Bulletin" of the National Agricultural Statistics Service, National Weather Summary, Vol. 91, No. 9 (Feb. 22-28, 2004), p.1. "A day later (Feb. 23<sup>rd</sup>) in the Southwest...Albuquerque, NM (0.90 inch), had its greatest daily total (of rainfall) in February in more than 70 years."**

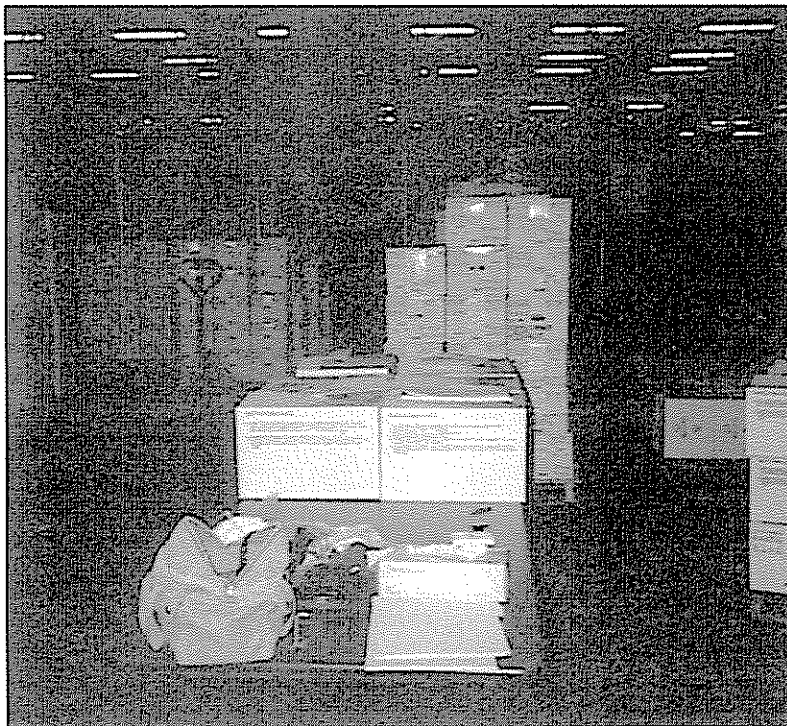


**Boxes from the pallet that became wet in late February at the Yale storage warehouse. These boxes will be moved to a storage facility that does not contain records. The records from these boxes were transferred to new boxes.**

## Site Visits of Contractor

Ms. Martinez-Kilgore of Cariño Conservation visited the OTR offices and the AADF storage facility (5600 2<sup>nd</sup> St. N.W. in Albuquerque). Wendall Galvan, a Records Management Specialist with the Office of Trust Records, specified the records that were affected by the February water leak. Ms. Martinez-Kilgore examined 62 boxes of records on June 7<sup>th</sup> and June 8<sup>th</sup>. In roughly 20% of the boxes she removed every file folder. (Some records are not stored in file folders.) In the remainder of boxes she removed 3-5 folders of records spaced throughout the box.

Ms. Martinez-Kilgore noted the format of the records, the materials and media present, the housing practices of the records, and the condition of the records. She spoke with OTR staff about the circumstances that placed the records in storage in the Yale storage warehouse (4320 Yale N.E., Suite C-D, Albuquerque, Midtown Business Park). Staff present for the initial meeting (6/7/04) included Ethel Abeita, Linda Skotta, Andrew Abeyta, and Wendell Galvan. After clarifying the goals of the assessment with NARA staff, Ms. Martinez-Kilgore returned to the AADF warehouse (6/8/04) and met briefly with Joe Little the Chief of the Division of Records Management Operations for OTR. [Ms. Martinez-Kilgore also spoke with Joseph Little 2-3 times while preparing the report.]



Worktable used by Cariño Conservation during site visits.

## **The Life Cycle of the OTR Records**

The **Office of Trust Records (OTR)** has the responsibility to evaluate, receive, organize, care for, and provide access to records relating to the American Indian and Alaska Native trust responsibilities of the **Bureau of Indian Affairs (BIA)**. “The Director, OTR, is the designated official responsible for the retention and preservation of all Indian records for the Department of the Interior and is the contact person for **OST [Office of the Special Trustee for American Indians]** and BIA...”(Departmental Manual of the Department of Interior, <http://elips.doi.gov/elips/release/3320.htm>) These records document, among other transactions, the payments made in exchange for the utilization of the resources owned by American Indians and Alaska Natives.

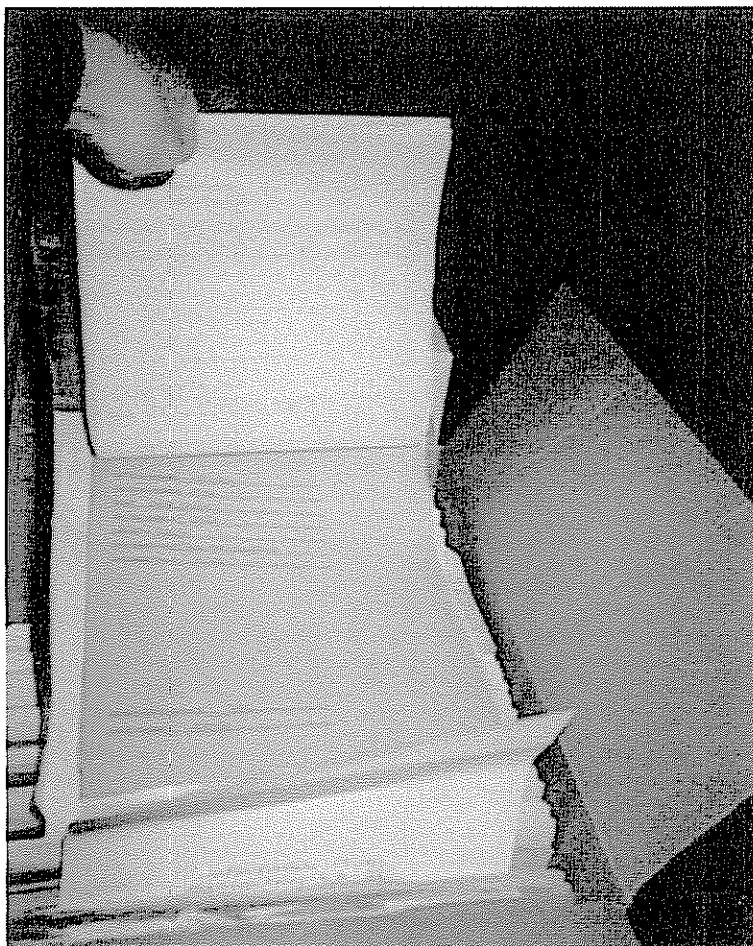
The OTR reports to the Chief Information Officer (CIO) of the OST. “The Office [of the Special Trustee for American Indians (OST)] was established under the authority of the American Indian Trust Fund Management Reform Act of 1994 (the Act), Pub. L. 103-412, (25 U.S.C. 4001 et. seq.), Secretarial Order No. 3197 and Secretarial Order 3208.” (Departmental Manual of the Department of Interior, <http://elips.doi.gov/elips/release/3320.htm>)

Since the advent of the Cobell lawsuit all BIA records relating to trust issues from around the country come to OTR custody in Albuquerque. While in Albuquerque, the records are stored in rented warehouse space or in the “C suite” (the present offices of the OTR at 1551 Mercantile N.E. in Albuquerque). The rented spaces have included:

- an Iron Mountain facility in Albuquerque,
- the “Hawkins” site (a GSA facility)
- the “Yale site” (4320 Yale N.E. in Albuquerque), and
- the AADF warehouse (5600 2<sup>nd</sup> At. N.W. in Albuquerque).

The physical management and control of the records are the responsibility of the **Division of Records Management Operations** of the OTR. While the records are in Albuquerque the Division establishes intellectual control of the records by indexing every box at the file level in a database. The BIA records, now in Albuquerque, will be transferred to the new American Indian Records Repository that opened in Lenexa, Kansas which is part of National Archives and Administration’s (NARA) underground regional records service facility in Lenexa.

The records that OTR holds in Albuquerque receive relatively high use because of research for the Cobell lawsuit. There can be up to 70 researchers a month. The records are also used to resolve trust claims filed by American Indians and Alaska Natives. When required for research, the records are transferred from the storage facility to a research room in the OTR Offices. When a document is removed and reproduced for research purposes a bright yellow notice is placed within the file folder to indicate the activity.



**Bright yellow notice placed within the file folder to indicate an activity such as removal or copying of a document.**

The **Division of Records Management Policies, Procedures, and Training** of the OTR “is responsible for managing a nationwide records program that is in conformity with the legal obligations of the trust relationship between the Federal government and the American Indians.” (Departmental Manual of the Department of Interior, <http://elips.doi.gov/elips/release/3599.htm>)

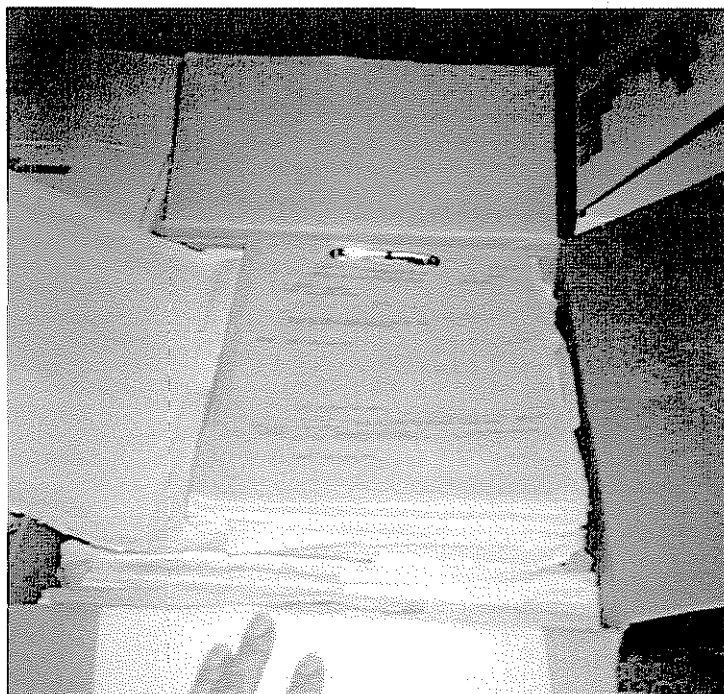
The **Indian Affairs Records Management (IARM) Program** offers some resources to build understanding of the concepts of records management among federal employees. The program issues two pamphlets entitled “An Employees Quick Guide to Records Management” and “Indian Affairs Records Management”. The IARM is the records management program for the BIA and the OST. “The program was established by a directive signed by the Department’s Assistant Secretary for Policy, Management and Budget in May 1999.” (<http://www.ost.doi.gov/IARM/menu.html>)

## The Nature of the Records

The records that fill the boxes listed in Appendix A are paper records. The records date from the early 1960s.

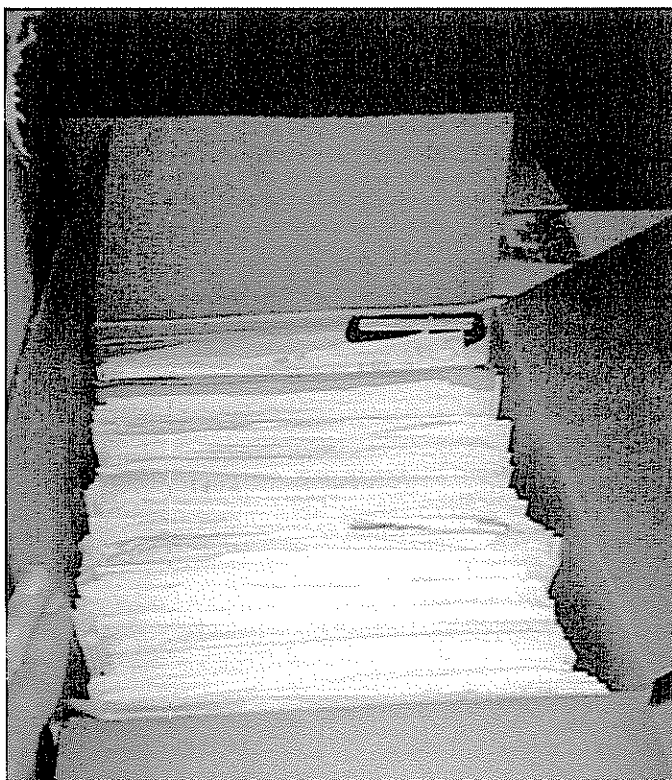
Included in the boxes are documents on bond paper, book/text paper, manifold paper, newsprint (newspaper clippings), and onion skin paper. Sheets of carbon “paper” remain filed within the records. The papers can be white, tan, yellow, blue, pink, green, and salmon. The records were “created” by a great variety of processes including:

- typewritten
- typewritten carbon copies
- printed carbon multiple forms on manifold or onion skin
- printed on bond or book/text
- Thermofax
- mimeograph
- ditto
- (possibly) Verifax
- (possibly) early electrostatic copies



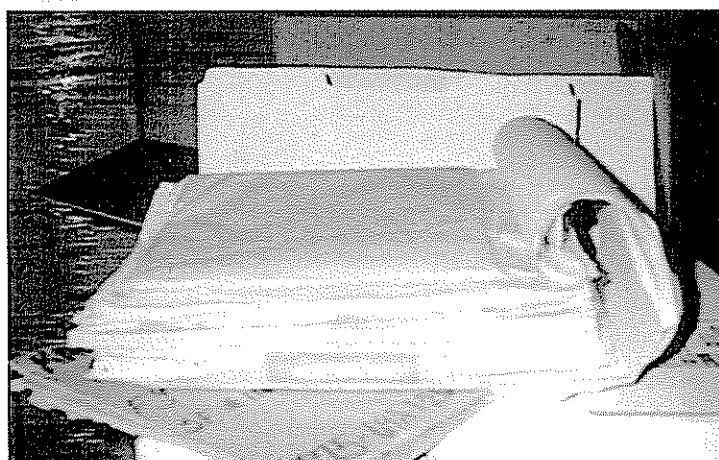
Colored paper, printed and typed carbon copies secured with metal fastener.

The records contain black, blue, and red ink from stamp pads. Handwriting on the documents is in black, blue, blue/black, red, and green ink from ballpoint pens, fountain pens, and fiber tipped pens. Other handwriting is in graphite or red pencil. The documents are secured by staples, large metal fasteners, paper clips, and, sometimes, pressure sensitive tape (in most cases rubber based) and rubber bands.



**Printed and handwritten records on book/text paper. Records stored in box with no file folders.**

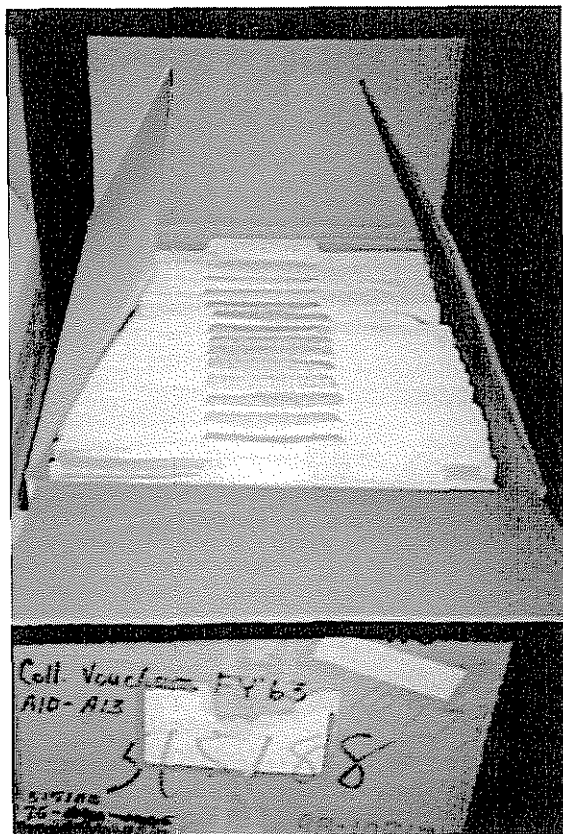
Most documents are 8.5" x 11". There are some forms that are larger or smaller sizes. Most of the small documents are contained in kraft envelopes that have been secured to the file folders with metal fasteners. The larger documents have been folded to allow them to fit into the file folders and the record boxes.



**Kraft envelope containing small format records.**

The file folders are manila and pressboard. (Pressboard folders are from Globe Wernicke No. 6173.) The pressboard folders have a cloth hinge at the bottom/side. All of the file folders appear to be original to the records contained in the files. Some are labeled with handwritten ink. Others have typewritten or handwritten gummed labels. The label tab

on the pressboard folders is reinforced with a metal frame. Some of the labels or the label area of file folders have been “reinforced” with pressure sensitive tape.



File folders in box.

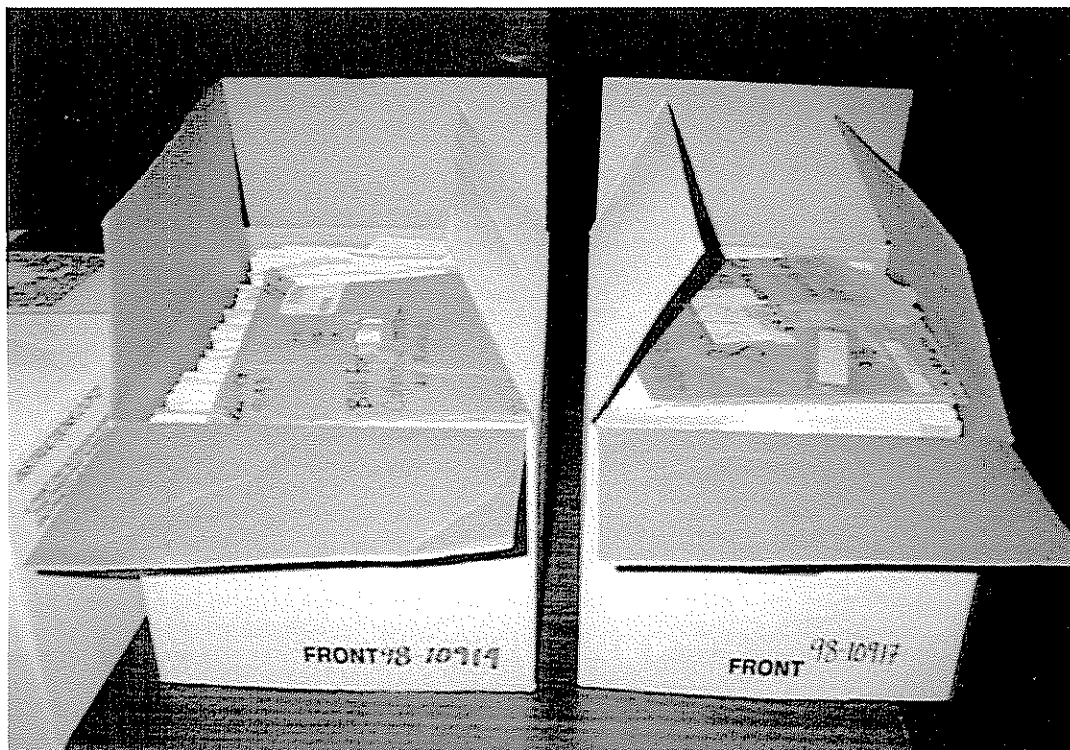


## Housing Conditions of the Records

Pallets are stacked 5 boxes high with 10 boxes at each level. Some of the pallets do have a sixth level. Most of the pallets are shrink-wrapped. Boxes are arranged on the pallets so that the identification of the boxes is visible from the side. One box in each level is not visible as it is in the center of the stack. Pallets rest on the floor or on high bay storage. Some boxes, not presently stacked in pallets, rest directly on the floor.

Most of the records are contained in records boxes measuring 10" x 15" x 12". New (white) boxes are from the National Center for Employment of the Disabled. [Bursting Test 275. Min. Comb. Wt. Facings 138. Size Limit 95 inches. Gross Wt. Lt. 95 lbs.] The new white boxes are held together by metal staples where the girth overlaps. All the records boxes have handholds on the sides to facilitate lifting. According to Wendall Galvan, large format records such as ledger books are stored and shipped in larger, shallower boxes.

All the boxes examined by Cariño Conservation contained the old box side with the original identification information on it. Although this box fragment could introduce harmful debris into the new box, the need for precise tracking of these records seems to override any risks presented.



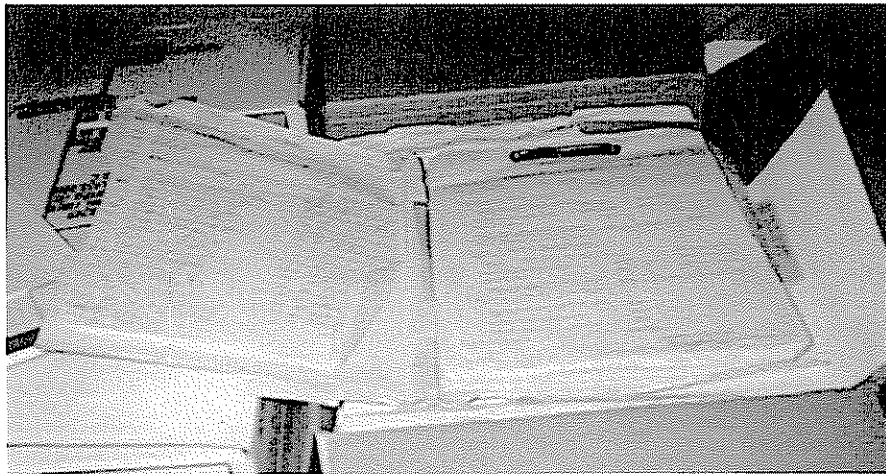
Old box side with original identification information remains in the new box to which records have been transferred.

In most cases the record boxes are overcrowded making it difficult to remove the file folders from the boxes. Many of the file folders contain as much as 3.5" of documents

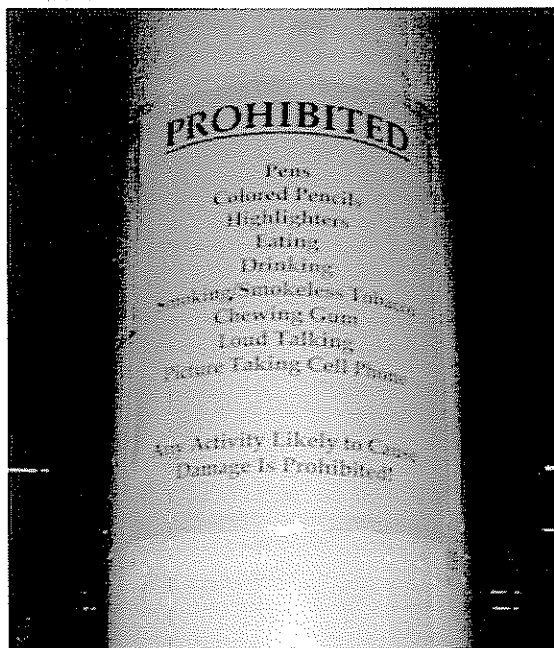


secured with metal fasteners at the top. Often documents are fastened to both sides of the folders. Often the “opposing” fasteners can be hooked together. In one box, a file folder of records was laying horizontally on top of the other files that were stored in the box vertically. Some documents that are larger than 8.5” x 11” are folded into the folders and boxes. There are some boxes with large numbers of similar documents that have not been placed within file folders. The documents are placed directly into the corrugated box.

Presently, the OTR staff utilize stainless steel staples and paper clips to replace old and rusted ones.



**Metal fasteners and pressure sensitive tape.**



**Notice posted on a pillar within the AADF storage warehouse.**

## Condition of the Records

The paper of records and of file folders in four of the boxes (903, 915, 917, 940) shows signs of exposure to water. In all of the four boxes the bottom fold area of the file folders are slightly stained and cockled. In Boxes 903, 915, and 940 the paper records contained in the file folders show little evidence of exposure to water and exhibit no damage that would impede access to the information of the records.

In box 917 some of the color on some of the paper records (colored carbon copies) has run slightly at the edge that was in contact with the bottom of the box. Some of these papers are slightly adhered and cockled from the moisture. The paper separates easily, however, with no damage to the paper. The areas of slight damage do not impact the access to the information on those records.

There is no evidence of mold growth in any of the four boxes listed above or in any of the boxes examined by Ms. Martinez-Kilgore for this report. The pen and stamp pad inks that would be fugitive if exposed to high levels of moisture show no signs of running. However, the records could be at an increased risk of further deterioration because of their exposure to water.

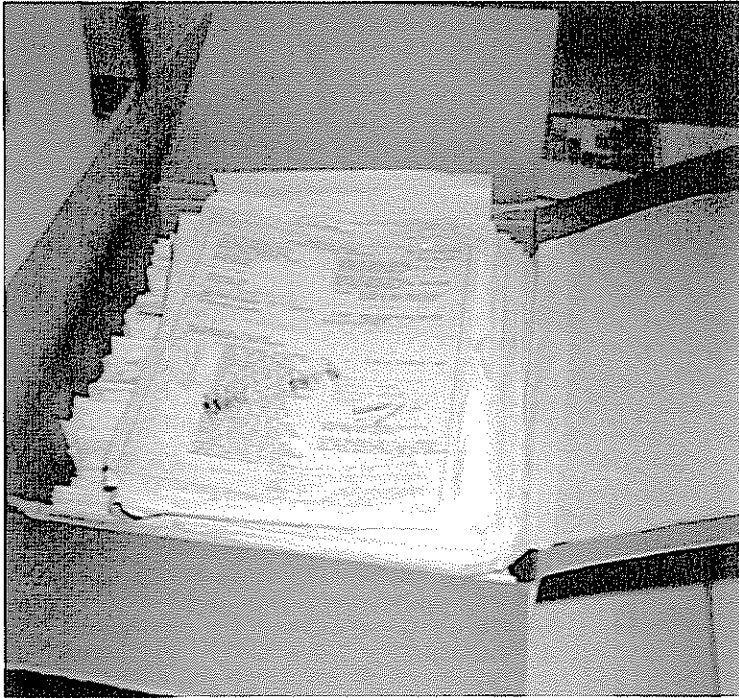


Frayed paper edges, pressure sensitive tape, and worn file folder label tabs.

There is a great deal of damage to the records from the conditions of their housing and use. As mentioned above the records are packed into file folders and into boxes. The file folders can be difficult to remove from the boxes. Many of the label tabs on the “manila” file folders are bent and worn.

The file folders, often with 3.5” of paper inside are difficult to handle. In most cases, the top paper one of these thick groupings of papers is torn and crumpled from the metal fastener and from the wear and tear of opening the file folder. Some of the metal fasteners are a bit rusted in many cases and are a potential hazard to the records. As

mentioned above, “opposing” fasteners within a file folder can be hooked together. Some fasteners are damaged and do not function to hold the records any longer. The broken components can protrude presenting a hazard to adjacent papers.



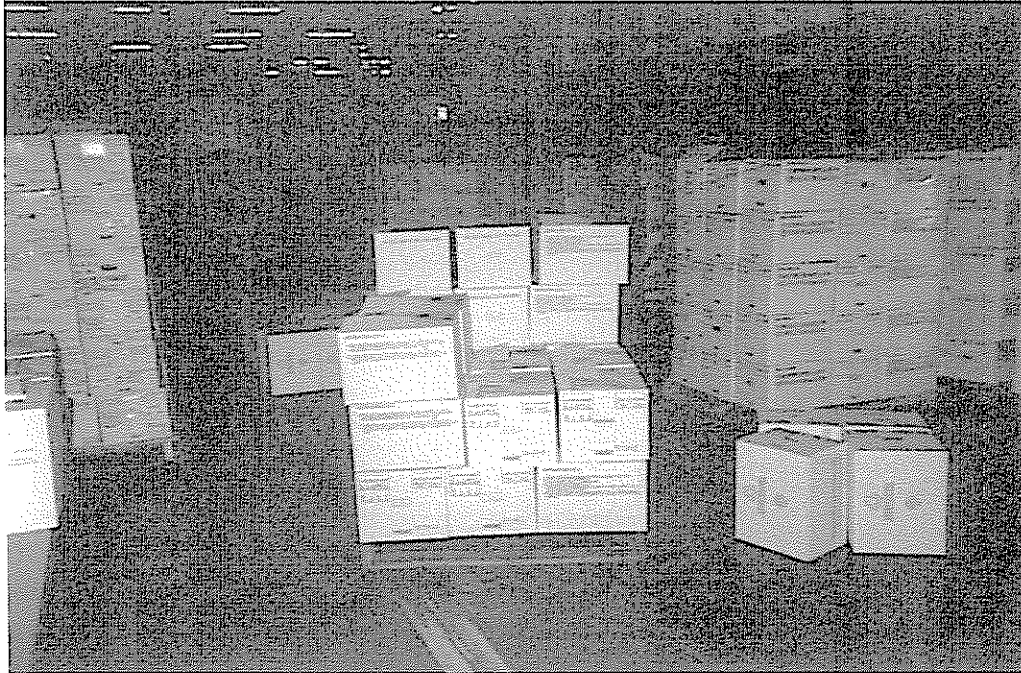
**Inks with color change. Pressboard folders with cloth hinge.**

All of the records exhibit typical deterioration expected from the paper, inks, production processes, and reproduction processes of their age. The edges of the paper are frayed. The areas around the holes made for the metal closures are torn and crumpled. Pen inks and stamp pad inks show slight color changes. Rubber based tapes are in the 2<sup>nd</sup> or 3<sup>rd</sup> stages of deterioration that is typical of those materials—loss of adhesion, cottage cheese adhesive residue, translucency, dark amber staining.

There is a black residue on many of the file folders from the edges of the carbon copies. [Note: This black residue can resemble the aftermath of a mold infestation, but is not as integral to the paper fibers as mold would be.] Interspersed within the records are some very deteriorated types of paper. Often very discolored scraps of paper are stuck into the files of records and can contain pertinent notes or information. One section of records contains clippings from newspapers that relate to the documents held. (Land leasing advertisements from newspapers.)

### Notes on the Environment of the Storage Warehouse

On the two days of the site visit, the average temperature and relative humidity of the warehouse was 78° Fahrenheit and 24% relative humidity. (The contractor took temperature and relative humidity readings on a Radio Shack Digital Thermometer and Humidity Gauge [Cat. No. 63-1013].) The light levels in the storage area averaged about 8 footcandles. (The contractor took the light readings with a Sekonic Studio Deluxe II L-398M photographic light meter.) Fluorescent fixtures and natural daylight light the AADF storage warehouse. The storage area appeared to be relatively clean and clear of clutter.



View of AADF storage warehouse.



View of AADF storage warehouse.

## Recommendations

### Short term:

Create a written protocol for emergency response to water emergencies that spells out the necessary procedures to be followed given the types of records affected and given the scope of the emergency. Insure that all staff working with the records is aware of the protocols. Such an integrated protocol will insure that staff can work together with a common knowledge of the risks and the goals of any response effort.

Create documentation practices of emergencies that incorporate detailed information such as the box numbers of affected items. This practice will help to track items that may be at higher risk of deterioration in the future.

Seek methods that could be incorporated into the routine work of the Division that could reduce the size of folders and the load of boxes. These steps could reduce the damage to records as they are handled and used for research.

If the records remain in Albuquerque for an extended period of time before transfer to the Lenexa, Kansas facility, attempt to identify a warehouse with lower temperature levels, as cooler temperatures will improve the long term preservation of the records.

### Long term:

Insure that sound preservation practices are integrated with any routine to organize, rehouse, or process the records.

- Create stable copies of unstable records such as Thermofax, Verifax, mimeograph, ditto, and early xerographic processes.
- If it is unrealistic to remove harmful metal fasteners, place a sheet of preservation quality paper (meet ANSI [American National Standards Institute] Standard Z39.48-1982) on the top each gathering of papers. This sheet may provide protection.
- Remove any damaged or rusted metal fasteners.
- If possible, given the file level Intellectual control of the records, replace file folders with preservation quality folders (see the above ANSI Standard) and reduce the number of records held in a given folder.

Establish and implement handling guidelines that will minimize wear and tear on the records over time.

**Appendix A – 62 Boxes Examined by Cariño Conservation on 6/7/04 and 6/8/04**

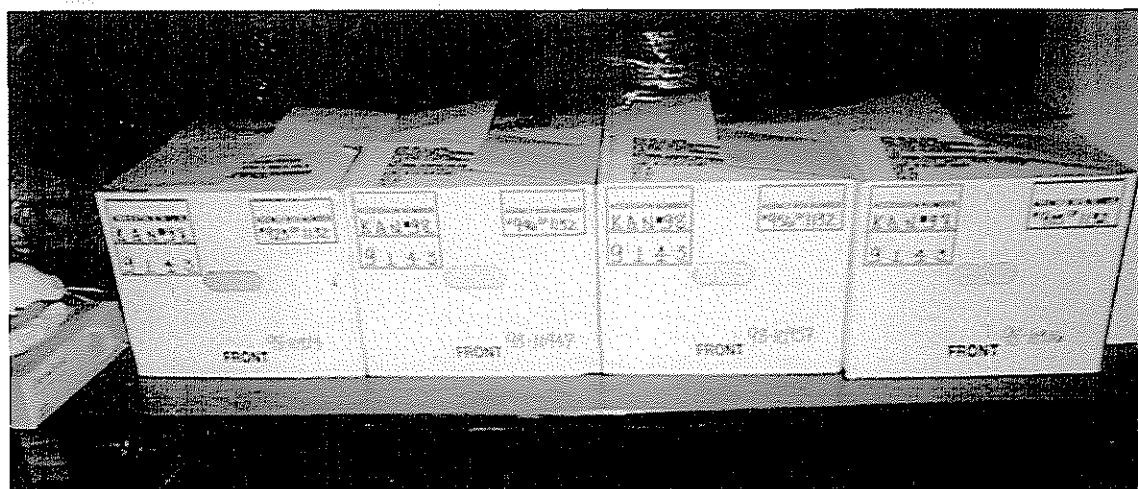
Count	Box Number	Examined 6/7/04	Examined 6/8/04	Water damage visible
1	865 of 1132		X	
2	879 of 1132	X		
3	901 of 1132	X		
4	902 of 1132	X		
5	903 of 1132	X		X
6	904 of 1132	X		
7	905 of 1132	X		
8	906 of 1132	X		
9	907 of 1132		X	
10	908 of 1132		X	
11	909 of 1132		X	
12	910 of 1132	X		
13	911 of 1132	X		
14	912 of 1132		X	
15	913 of 1132	X		
16	914 of 1132	X		
17	915 of 1132	X		X
18	916 of 1132	X		
19	917 of 1132	X		X
20	918 of 1132	X		
21	919 of 1132	X		
22	920 of 1132	X		
23	921 of 1132	X		
24	922 of 1132	X		
25	923 of 1132	X		
26	924 of 1132		X	
27	925 of 1132		X	
28	926 of 1132	X		
29	927 of 1132	X		
30	928 of 1132	X		
31	929 of 1132		X	
32	930 of 1132		X	
33	931 of 1132		X	
34	932 of 1132		X	
35	933 of 1132		X	
36	934 of 1132	X		
37	935 of 1132		X	
38	936 of 1132	X		
39	937 of 1132	X		
40	938 of 1132		X	
41	939 of 1132	X		



42	940 of 1132	X		X
43	941 of 1132		X	
44	942 of 1132	X		
45	943 of 1132	X		
46	944 of 1132		X	
47	945 of 1132		X	
48	946 of 1132	X		
49	947 of 1132	X		
50	948 of 1132		X	
51	949 of 1132		X	
52	950 of 1132		X	
53	951 of 1132		X	
54	952 of 1132	X		
55	953 of 1132	X		
56	954 of 1132		X	
57	955 of 1132		X	
58	956 of 1132	X		
59	957 of 1132	X		
60	958 of 1132		X	
61	959 of 1132	X		
62	960 of 1132	X		

**Note on Numbering:**

The number given in the above table (e.g. 960 of 1132) is a tracking number assigned by OTR. This is different from the Accession Number (KAN-98-9143) and the Assigned for/by NARA (98-10957).



Boxes with identification numbers written on the sides.































### INSTRUCTIONS (1 OF 2)

1. DO NOT OBSCURE BOX NUMBER OR ACCESSION NUMBER WITH TAPE.
2. USE BLACK FELT WIDE-TIP MARKER.
3. MAKE NUMBERS 3.81cm (1-1/2 INCHES) HIGH.
4. PACK BOXES WITH RECORDS ONLY.
5. LETTER-SIZE FILES MUST BE PLACED IN ORDER BY NAME, NUMBER, OR DATE, FACING THE FRONT OF THE BOX.
6. LEGAL-SIZE FILES MUST BE IN ORDER AND FACE THE LEFT SIDE OF THE BOX.
7. LABELS ON MAGNETIC TAPE REELS MUST FACE THE FRONT OF THE MAGNETIC TAPE BOX.

ACCESSION NUMBER  
KAN 98  
9143  
Collection  
Vouchers 7140  
CIV-164  
CPS-6040K

### INSTRUCTIONS (2 OF 2)

8. PRINT THE ACCESSION NUMBER ON THE UPPER LEFT FRONT OF THE BOX. THIS THREE-PART NUMBER MUST BE SEPARATED AFTER THE FISCAL YEAR AND PRINTED IN THE BLOCKS PROVIDED. FOR EXAMPLE: 123-95 0001
9. NUMBER EACH BOX OF FILES CONSECUTIVELY (i.e., 1 OF 10, 2 OF 10, etc.) BY THE FIRST AND LAST FOLDER IN EACH BOX ON THE FRONT OF THE HAND HOLE. FOR EXAMPLE: ABBOTT-ZIEGLER OR 0001

ACCESSION NUMBER  
CAN-98

1 1 4 3

Bill of  
collections  
Sch. of Collections

A00  
F50

AGENCY BOX NUMBER  
910/1132

98-10911  
FRONT  
Box 1091





### INSTRUCTIONS (1 OF 2)

1. DO NOT OBSCURE BOX NUMBER OR ACCESSION NUMBER WITH TAPE.
2. USE BLACK FELT WIDE-TIP MARKER.
3. MAKE NUMBERS 3.81cm (1-1/2 INCHES) HIGH.
4. PACK BOXES WITH RECORDS ONLY.
5. LETTER-SIZE FILES MUST BE PLACED IN ORDER BY NAME, NUMBER, OR DATE, FACING THE FRONT OF THE BOX.
6. LEGAL-SIZE FILES MUST BE IN ORDER AND FACE THE LEFT SIDE OF THE BOX.
7. LABELS ON MAGNETIC TAPE REELS MUST FACE THE FRONT OF THE MAGNETIC TAPE BOX.

ACCESSION NUMBER  
KAN-98  
9143  
Collection  
Vouchers 1926  
CVI-1634  
CPS-164-100  
FBI

### INSTRUCTIONS (2 OF 2)

THE ACCESSION NUMBER ON THE UPPER LEFT FRONT OF THE BOX.  
THE BOX NUMBER MUST BE SEPARATED AFTER THE FISCAL YEAR  
BLOCKS PROVIDED. FOR EXAMPLE: 123-95  
0001  
SPECIALLY (i.e., 1 OF 10, 2 OF 10, etc.)  
BOX ON THE FRONT OF THE  
SIEGLER OR 0001

ACCESSION NUMBER

KAN-98

1143

Bill of  
Materials  
of Collections

A00  
F50

AGENCY BOX NUMBER

910/1132

1961-1962

'61











## ATTACHMENT 4

Jo Anne Martinez-Kilgore

1608 Los Arboles Ave. N.W., Albuquerque, NM 87107, (505) 343-9172

CarinoConservation@comcast.net

**EDUCATION AND TRAINING**Certificate in Library and Archives Conservation 1987-1990 Columbia UniversityM.S.L.S. 1985-1987 The Catholic University of AmericaB.A. 1981-1985 The Catholic University of AmericaClasses in bookbinding and book conservation March 1994 - May 1999

Tom Albrow, Former Head, Paper and Book Treatment Section, Conservation Division, Library of Congress

**EXPERIENCE**Proprietor, Carino Conservation of Books and Paper November 1998 - present

Conservation treatment, consulting services and training to organizations and individuals interested in preserving collections of cultural, historical and artistic works.

**Expertise in Conservation Treatment**

Rebinding, repair and full treatment of cloth, leather, and paper covered books. Construction of custom boxes for books and paper objects. Encapsulation of individual paper leaves and construction of post bindings for numerous encapsulated items. Paper repair and deacidification. Tape removal from paper. Backing removal and lining of maps and prints. Stabilization and conservation quality framing of photos, artwork and manuscripts.

**Preservation and Conservation assessments** cover broad range of topics including:

Environment -- temperature, humidity, illumination, integrated pest management, storage furniture

Disaster Preparedness, Response and Recovery

Collections Management -- security, housekeeping, care and handling, decision-making for reformatting, repair and conservation treatment.

Preventive Preservation -- housing collection items, purchasing materials, working with vendors

Conservation Treatment -- basic housing and repair, choosing and working with a conservator

**Training courses** can be customized to need of an organization or individual. Topics include:

Preserving your Family Treasures; Decision-making for Preservation and Conservation Treatment Options; Basic, Intermediate and Advanced Book Repair and Housing for General Collection Materials; Care and Handling of Collection Materials; and Disaster Preparedness, Response and Recovery.

**Clients include:** Dance Heritage Coalition, Marine Corps Historical Center Library, Paul Horgan Library (NMMI), National Hispanic Cultural Center, Smithsonian Institution National Museum of American Art Library, Anderson/Abruzzo International Balloon Museum, The Albuquerque Museum, Lab of Anthropology Library, Bosque School.Collections Conservator May 1994 - November 1998

Binding and Collections Care Division, Preservation Directorate, The Library of Congress

First to hold Collections Conservator position at institution

**Preservation/Conservation Skills** • Performed full range of treatments on items from the general collections.

• Contributed to outreach functions of Directorate by preparing handouts, exhibits and presentations. • Completed Mission Assignment for FEMA serving as consultant for recovery operation for Colorado State University, Morgan Library--425,000 books damaged in July 28, 1997 flood.

**Personnel Management Skills** • Selected, trained, and supervised staff of four to seven performing repair, rebinding, and housing techniques; sorting items for treatment; and maintaining order of operation**Organizational Skills** • Organized and managed operation of automated housing system and full range of repair and rebinding operations for general collections of the Library of Congress. Interacted with staff from all collection divisions to maintain workflow. Managed procurement of all supplies and of all contract services related to operation.Head, Phased Treatment and Collections Maintenance Unit July 1990 - January 1994

Conservation Lab, The New York Public Library

First to hold position at institution

**Preservation/Conservation Skills** • Performed treatments on items from general and special collections. • Fulfilled broad responsibilities of the Conservation lab, monitoring the environment of the stacks, answering phone inquiries of the general public, and participating in all disaster recovery operations.**Personnel Management Skills** • Hired, trained, and supervised five technicians and one professional staff member performing repair, rebinding, and housing techniques.**Organizational Skills** • Organized and managed operation to provide repair and rebinding to items from the general collections of NYPL. Managed operation providing phase boxes to all division of NYPL. Managed procurement of all supplies and equipment. Managed procurement of contract services related to operation.

**OTHER CONTRACT WORK**

November 1998 - June 1999 - Worked in the studio of Tom Albro

January 1995 - National Library of Medicine. Consultant in planning of repair operation in collaboration with Linda Nainis

January - March 1994 - Union Theological Seminary (New York, New York). Consultant in grant project to set up operation and train staff to perform collections conservation on a backlog of items

1993 - 1994 - Designed and constructed boxes for fine press editions of Stefano Artenti and Miriam De Artenti

**OTHER POSITIONS**

Team Assistant, March - April 1994, File Improvement Project, Institutional Records Information Unit, World Bank

Lab Assistant, September 1988 - June 1989, Conservation Education Programs, Columbia University

Conservation Assistant, Unit Leader, May 1985 - May 1987, Mullen Library, The Catholic University of America

Bindery Assistant, March 1982 - April 1985, Mullen Library, The Catholic University of America

**TEACHING EXPERIENCE**

November 2002 - Present - Contract Instructor, Book Repair. Amigos Library Services, NM State Library.

August 1994 - December 1994 - Adjunct Instructor, School of Library and Information Science, The Catholic University of America

Taught Preservation Management course. Continued to teach course with team of LC staff (spring 1995 - summer 1998)

**INTERNSHIPS AND TRAINING COURSES**

November 2002 - "Removal of Pressure-Sensitive Tape and Tape Stains: A Workshop for Mid-Career Conservators"

December 1998 - May 1999 - Volunteer, Conservation Division, Library of Congress. Housing prints and photographs

July 1998 - Smithsonian Institution for Materials Research and Education, "Preservation Fundamentals II: Mold and Mildew"

June 1997 - University of Iowa Advanced Conservation Workshop, "Intermediate Mending"

July 1996 - Rare Book School course, "Publishers' Bookbindings 1830 - 1910"

April 1993 - ARL/OMS Library Management Skills Institute

October 1992 - NYU Construction Technology Seminar, "Fundamentals of Conservation Lighting"

June 1992 - New York Microscopical society course on the identification of synthetic fibers

March 1991 - Worked at Booklab (Austin, Texas) for one week to learn collections conservation operations

September 1989 - June 1990 - Conservation Intern, Conservation Office, Library of Congress

July - August 1989 - Conservation Intern, History Library, Museum of New Mexico

July 1988 - Conservation Intern, The New York Public Library

June 1988 - Rare Book School Courses, "Introduction to Medieval and Early Renaissance Bookbinding Structures", "European Bookbinding, 1500-1800", and "History of the Book in America"

**PRESENTATIONS AND PROFESSIONAL ACTIVITIES**

July 2002 - Present - Chair, New Mexico Preservation Alliance, Special Interest Group of the New Mexico Library Association

January 1999 - Served on panels for PADG (Preservation Administrators Discussion Group) and Physical Quality and Treatment Discussion Group, ALA Midwinter meeting

July 1998 - Served on panel entitled "Recent Experiences with Recovery and Reconstruction of Cultural Property: What Lessons We Not Yet Have Learned" as part of the annual meeting of the Hazards Research and Applications Workshop

June 1998 - Presented talk entitled "Security, Preservation and Access: Working Towards a Solution for 'Medium Rare' Materials at the Library of Congress" as part of RBMS (Rare Books and Manuscripts Section) preconference, ALA. Presented talk again as part of CAPNET (Capitol Area Preservation Network) program, November 1998

1998-2004 - Reviewed grants for The New York State Program for the Conservation and Preservation of Library Research Materials

April 1997 - Presented talk entitled "Collections Conservation at the Library of Congress: Theory and Practice" at the Annual conference of the Association of Graduate Programs in Conservation

January 1997 - Presented talk entitled "Text Block Consolidation and End Leaf Structure as the Cornerstones of Conservation-Minded Repair" to the Potomac Chapter of the Guild of Bookworkers

1995, 1996, 1998, 2000, 2001, 2003 - Reviewed grants for NEH, Division of Preservation and Access

June 1993 - Participated as group leader in AIC LCCDG (Library Collections Conservation Discussion Group) forum on book repair

1993 - Served on METRO (New York Metropolitan Reference and Research Library Agency) Preservation and Conservation Advisory Council

May 1992 - Served on panel for the Columbia University's Conservation Education Programs presenting an appraisal of the three year program for conservators

June 1991 - Presented poster at annual conference of the American Institute for Conservation entitled "Boxing, Environmental Monitoring, Documenting, and Inventory: Computers as Production Tools in the Conservation Lab"

May 1989 - Presented paper entitled "Books Bound in the United States: 1790 - 1869, A Conceptual Framework for their Conservation" at annual Art Conservation Training Program Conference

1608 Los Arboles Ave NW  
Albuquerque, NM 87107  
(505) 343-9172; phone and fax (call first for fax)

CARINO  
CONSERVATION

# Fax

<b>To:</b> Ethel Abeyta	<b>From:</b> Jo Anne Martinez-Kilgore
<b>Fax:</b> 816-1613	<b>Pages:</b> 8 (including cover sheet)
<b>Phone:</b>	<b>Date:</b> 9/17/04
<b>Re:</b> 816-1690	<b>CC:</b>
<input type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>Please Comment</b> <input type="checkbox"/> <b>Please Reply</b> <input type="checkbox"/> <b>Please Recycle</b>	

• **Comments:** Please call with any coments...will be here till 3:30

**Preservation Assessment  
of Boxes Exhibiting  
Exposure to Moisture  
and  
Exposure to Rodent Infestation**

**Report to the  
Office of Trust Records of the  
Bureau of Indian Affairs**

**Submitted by  
Jo Anne Martinez-Kilgore  
Cariño Conservation  
1608 Los Arboles Ave. N.W.  
Albuquerque, New Mexico 87107**

**September 17, 2004**

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## Executive Summary

The goals of the Preservation Assessment conducted by Jo Anne Martinez-Kilgore of Cariño Conservation were to ascertain the level of damage to records contained on two pallets of boxes and to recommend any necessary preservation treatment to insure the safety for human exposure to the records and the longevity of the information contained in those records.

Information for this report was gathered by a site visit and by brief conversations with Office of Trust Records Staff:

- Ethel Abeita, Director, Office of Trust Records,
- Linda Skotta, Deputy Director, Office of Trust Records,
- Joseph Little, Chief of the Division of Records Management Operations,
- Tom Kerstetter, Records Service Center Specialist.

Ms. Martinez-Kilgore examined 62 boxes (listed in Appendix A and Appendix B) of records on September 15, 2004. The boxes of records had been segregated during the indexing process because staff had observed water damage, mold, or signs of rodent infestation (e.g. mouse droppings, gnawed paper edges). Some staff experienced severe itching after exposure to some of the boxes. There is a serious risk of exposure to serious pathogens from the droppings and urine of rodents (e.g. Hantavirus Pulmonary Syndrome). Many persons can become ill from exposure to mold spores.

All of the boxes examined exhibited problems that merit preservation treatment or cleaning. Although the condition of the records is deteriorated because of the exposure to moisture and rodent infestation, a very small percentage of information has been totally lost, literally on a handful of documents in each of two boxes.

### **Site Visit of Contractor**

Ms. Martinez-Kilgore of Cariño Conservation visited the OTR offices, the storage warehouse at 12<sup>th</sup> St. N.W. and Interstate 40, and the AADF storage facility (5600 2<sup>nd</sup> St. N.W. in Albuquerque). In roughly 40% of the boxes she removed file folders and boxes to spot damage not obvious from simply opening the box. Because of the health risks associated with these records, the contents of the boxes were disturbed as little as possible.

Ms. Martinez-Kilgore noted the basic condition of the records trying to identify cases where it seemed that information was lost because of the damage.

### **Condition of the Records**

The condition of the records in each box is indicated in Appendices A and B. No active mold was observed. It is impossible to distinguish staining from rodent urine from water damage, although it can be assumed that some of the slight moisture damage could be from rodent urine.

Although there is cockling, staining, and physical damage (e.g. creases and tears), relatively little information has been lost due to the condition of the materials. It seems obvious that many of these materials were stored in very poor environments for long periods of time. The condition indicated sustained exposure to rodent infestation and damp conditions. Only three boxes (Appendix B) exhibit severe damage indicative of some sort of physical such as a downpour of water or such as being dropped or crushed.

Below are descriptions of the representative conditions observed.

- MD** Moisture Damage – slight staining, slight cockling
- MDS** Moisture Damage – severe cockling, feathered ink, severe staining
- RD** Rodent droppings observed by OTR Staff
- GP** Gnawing on paper edges observed by contractor
- IMP** Inactive mold present – staining and dry powder
- PDW** Severe physical damage from water.
- PDN** Severe physical damage non water related.
- MIL** Minor Information lost due to damage

### **Recommendations**

Establish a protocol for cleaning the records so that they will be safer for any future handling.

Insure that these protocols will allow the records to be stored in a NARA facility.

Repair any physical damage to records to restore as much information as possible.



**Appendix A****35 Boxes Examined by Cariño Conservation on 9/15/04 – 12<sup>th</sup> St. N.W.**

Box number	MD	MDS	RD	GP	IMP	PDW	PDN	MIL
H58-97 97-00271	X							
C5501 01-05111			X	X				
C5501 01-05113			X	X				
H62-DC 0003 39 of 72			X					
C56-98 98-01730	X							
C55-98 98-07421			X					
C55-01 01-05125			X	X				
H62-DC 37 of 72			X					
C57-DC 20 of 52				X				
C55-98 98-07462			X					
H57-98 98-00158			X					
C51-98 98-05755			X					
C55-01 01-05135			X					
H57-98 98-00202	X				X			
NOO-98 98-01988	X				X			
NOO-98 98-02231	X				X			
C56-98 98-01936	X				X			
C56-98 98-01805			X					
C55-01 01-05140			X					
NOO-98 98-01990	X				X			
KAN-98 98-1119	X							
A13-02 99-00104	X							
075-02 0521	X			X				
075-02 0565		X						
B04-98 98-04636			X					
075-02 0565 6 of 13		X						
NOO-98 98-02036		X			X			
075-02 0565 12 of 13		X			X			
075-02 0565 3 of 13		X			X			
075-02 0633 1 of 5		X						
075-02 0565 8 of 13		X			X			
075-02 0565 7 of 13		X			X			
075-02 0565 1 of 13		X			X			
075-02 0565 4 of 13		X			X			
075-02 0565 9 of 13		X						

**Appendix B****27 Boxes Examined by Cariño Conservation on 9/15/04 – ADF Warehouse**

Box number	MD	MDS	RD	GP	IMP	PDW	PDN	MIL
C51-049010 128 of 780		X			X			
C51-049010 161 of 780		X			X			
C51-049010 57 of 780			X					
C51-049010 188 of 780		X			X			
C51-049010 99 of 780		X			X			
C51-049010 176 of 780			X					
C51-049010 127 of 780		X				X		X
C51-049010 170 of 780			X					
C51-049010 98 of 780	X							
C51-049010 156 of 780	X							
C51-049010 203 of 780		X				X		X
C51-049010 559 of 780			X					
C51-049010 480 of 780							X	
C51-049010 564 of 780			X					
C51-049010 502 of 780			X		X			
C51-049010 248 of 780			X					
C51-049010 501 of 780			X		X			
C51-049010 370 of 780			X					
C51-049010 224 of 780	X				X			
C51-049010 439 of 780	X							
C51-049010 258 of 780			X					
C51-049010 196 of 780			X					
C51-049010 210 of 780	X							
C51-049010 398 of 780	X							
C51-049010 218 of 780			X					
C51-049010 199 of 780			X	X				
C51-049010 219 of 780			X					