
From: Kanassatega, Joshua
Sent: Monday, February 18, 2008 11:27 AM
To: 'Larsen, Chris (USAWIE)'
Cc: Glenn Reynolds
Subject: RE: Placeholder for Record Review

Good morning Chris,

Thanks for the effort to create a placeholder for my review of the "BIAK" documents beginning on Wednesday of this week. However, I do not think this placeholder is adequate as it provides no assurance to Menominee that a requested document has been -- in fact -- produced as requested. In other words, the proposed form does not provide Menominee a means to track the selection and production of BIAK documents. Moreover, it provides no quality assurance that complete selected documents have been produced.

While the currently implemented BIA-designed system has many flaws, it is a procedure that -- at this late date in the document review process -- should be continued. Your proposed resolution amounts to a document dump on Menominee after it has in good faith spent significant time and resources complying with BIA's document review procedure. The Government will simply have to live with any consequences arising from the inadequacy of the procedure it foisted upon Menominee since October 2007.

Menominee expects that the Government will produce each and every piece of paper requested by Menominee. Please refer to Menominee's February 13, 2008 letter for a list of missing bates ranges and blue-sheet request numbers. Menominee also expects the Government to specifically identify and produce any papers and documents removed from or added to the BIA documents offered for review since the time that Menominee began its review.

To the extent that you want to modify BIA's placeholder to add the section on "Special Scanning/Copying Request," that might make sense. As to production of the selected BIAK documents, Menominee requests that the Government produce only the documents selected from Menominee's review. It is important that the Government refrain from combining Menominee selected BIAK documents with all other BIA paper records -- whether offered for Menominee review, selected for production and not produced for whatever reason.

Regards,

Jay

From: Larsen, Chris (USAWIE) [mailto:Chris.Larsen@usdoj.gov]
Sent: Monday, February 18, 2008 10:23 AM
To: Kanassatega, Joshua
Cc: Glenn Reynolds; Kara Pfister (RightFax)
Subject: Placeholder for Record Review

Hi Jay -- I have created a placeholder for your record review of later this week, which is attached. You may use this to mark any places in the records, and make special requests for the copy service we are retaining. Our intention would be to scan the entirety of the BIA paper records. We will provide you with a scanned set in PDF format, which will include a scan of your placeholders. You may also make any general requests regarding the processing of these documents and we will pass those along to the copy service as well. I would ask that you place those in a letter to my attention.

Please advise if you have any questions or concerns about this procedure.

4/8/2008

EXHIBIT 10

Regards,

<<MTE Placeholder for record review.wpd>>

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