

## Atine, Patrese

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**From:** LeaderCharge, Carol  
**Sent:** Friday, January 13, 2012 5:31 PM  
**To:** Smith, Michael R.; Black, Michael; Penland, Starr; Martin, Matthew; Loudermilk, Weldon; Garcia, Heather; Appel, Elizabeth; KILLSBACK, Dion K; Tsosie, Paul; Echohawk, Larry; Newland, Bryan; Laverdure, Del; Gillette, Jodi; Simermeyer, Sequoyah; Fleming, Lee; Clifford, Juanita; Dutschke, Amy; Goodwin, Loretta; Garcia, Doug; Darling, Nedra; Pete, Darren; Blackmon, Dajuana; Atine, Patrese  
**Cc:** Cloud, Laura; Hartgrove, Monique; Renick, Hillary E; Wolf, Douglas; Berrigan, Michael  
**Subject:** FOIA request Tejon Indian Tribe  
**Attachments:** Perkins Coie FOIA request to BIA re Tejon Indian Tribe Jan 4 2012.pdf; BIA-2012-00422 MacLean.docx

**Importance:** High

**TO:** Mike Smith, Mike Black, Starr Penland, Matthew Martin, Bruce Loudermilk, Heather Garcia, Liz Appel, Dion KILLSBACK, Paul Tsosie, Larry Echohawk, Bryan Newland, Del Laverdure, Jodi Gillette, Sequoyah Simermeyer, Lee Fleming, Juanita Clifford, Amy Dutschke, Loretta Goodwin, Douglas Garcia

**CC:** Laura Cloud, Monique Hartgrove, Hillary Renick

Good Afternoon Folks,

We have a FOIA request (attached) for which we need a timely and coordinated response. The requestor has asked for any and all documents:

- related to the Tejon Indian Tribe (Tribe);
- filed in conjunction with the Tribe's notice of intent to petition for acknowledgment;
- relating to the Tribe's reaffirmation;
- supporting /demonstrating the Department's position that BIA was in error in failing to include the Tribe on the list of recognized tribes;
- supporting the Tribe's reaffirmation as opposed to proceeding under the Part 83 recognition process (including but not limited to legal or factual analyses).

In addition, please include prior OFA guidance (from 2006-07?), Part 83 decisions reaffirming Tribal status, including but not limited to Ohlone (Muwekma), Ione, Lower Lake, King Salmon, or Shoonaq.

Please forward "all documents" responsive to this request to me **by COB Friday, January 20, 2012**. This request includes letters, memoranda, facsimiles, telephone logs, emails, calendar entries, tapes/cds/dvds, transcripts, meeting notes, and other responsive materials.

To facilitate our review and assembly of documents responsive to the FOIA request please do the following:

- Documents should be provided on a jump drive, compact disk or DVD in PDF format;
- Documents should be provided in reverse chronological order;



- Applicable documents will include emails and their attachments, memoranda, and other documents produced, drafts of documents, and communications received and sent;
- Documents should each be scanned as separate documents in PDF format. Each email should be scanned as a separate document, and attachments should be included with the email in the same PDF.

Thank you for your attention in this matter.

Carol Leader Charge

Desk phone 202.208-7324 / work cell [REDACTED]

**FOIA6**



700 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005-3960  
PHONE: 202.654.6200  
FAX: 202.654.6211  
www.perkinscoie.com

Jennifer A. MacI. can  
PHONE (202) 434-1648  
FAX (202) 654-9665  
EMAIL JMacI. can@perkinscoie.com

January 4, 2012

**VIA ELECTRONIC MAIL TO FOIA@BIA.GOV**

Ms. Laura Cloud, FOIA Officer  
Office of Asst. Secretary/BIA  
MS-3071, MIB  
1849 C Street, NW  
Washington, DC 20240

Mr. Douglas Garcia, FOIA Coordinator  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Ms. Juanita Clifford, FOIA Coordinator  
Department of the Interior – OFA/AS-IA  
MS 34B-SIB  
1951 Constitution Ave, NW  
Washington, DC 20251

**Re: Request under FOIA for Materials Pertaining to Reaffirmation of Tejon  
Indian Tribe's Government-to-Government Status**

Dear Ms. Cloud, Mr. Garcia and Ms. Clifford:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 *et seq.*, and the Department of the Interior FOIA regulations at 43 C.F.R. Part 2, I am writing to request information regarding the Bureau of Indian Affairs' recent decision to reaffirm the government-to-government relationship between the Tejon Indian Tribe of California and the federal government.

We are seeking all documents pertaining to Assistant Secretary Echo Hawk's Reaffirmation of the Tejon Indian Tribe's government-to-government status, issued by the BIA, and covered in a U.S. Department of the Interior Office of the Secretary News Release dated January 3, 2012. (See attached.) We request that you include any and all documents related to the Tejon Indian Tribe, materials filed in conjunction with their notice of intent to petition for acknowledgment, documents relating to their reaffirmation, evidence supporting demonstrating BIA's error in failing to include the Tribe on the list of Indian Entities Recognized and Eligible to Receive

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Perkins Coie LLP

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Services from the United States Bureau of Indian Affairs, and any other documents, including but not limited to legal or factual analyses supporting their reaffirmation as opposed to proceeding under the Part 83 recognition process. We are filing this request with BIA, as well as with the Office of Federal Acknowledgment/Assistant Secretary-Indian Affairs and the Pacific Regional Office, in case documents pertaining to this decision are located in more than one office. Please consult with additional offices if this allows you to provide a more thorough response.

For purposes of this request, the term *documents* should be construed in the broadest sense to include letters, memoranda, facsimiles and facsimile cover sheets, telephone message logs, emails, calendar entries, tapes/cds/dvds, transcripts, meeting notes, and any other responsive materials. Such documents should be included regardless of their source, including personal computers, cell phones, or other means of communication. In the event that you believe any of the documents requested in this letter may not be disclosed in their entirety, we request that you release any disclosable material that can be reasonably segregated. In addition, please state with specificity the legal and factual grounds for withholding any document or portions of a document, including a reasonably detailed description of the material being withheld. While we would prefer electronic files, please provide the materials in the format that allows for the most rapid response possible.

In light of a recent Presidential directive urging transparency in government, we request full disclosure. In his January 21, 2009, memorandum, President Obama directed that “[a]ll agencies should adopt a presumption in favor of disclosure.” 74 Fed. Reg. 4,683 (Jan. 26, 2009). This presumption in favor of disclosure was reinforced by Attorney General Holder’s March 19, 2009, memorandum to agency heads in which he “strongly encourages” agencies to make discretionary disclosures. He states that FOIA denials will only be defended “if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law.” Further, Secretary Salazar’s June 2, 2009, memorandum to all Department of the Interior employees regarding Attorney General Holder’s guidelines further emphasized the importance of accountability and transparency: “The Department will only withhold information when we reasonably can foresee that its release would harm an interest protected by a FOIA exemption (e.g., our national security or the privacy interests of individuals) or when disclosure is prohibited by statute.

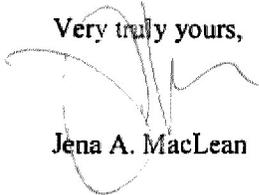
Please note that Perkins Coie is willing to pay for the processing of this request. If you are able to provide us with a cost estimate at the beginning of the process, please do so. For purposes of fee classification, Perkins Coie should be considered in the category of ‘other.’ We are engaged in the practice of Indian law, and this information is critical to our informed representation of our Indian law clients. Moreover, since the information requested herein is not readily available to the general public, its release through FOIA is likely to contribute significantly to public understanding of the operations or activities of BIA with regard to reaffirmation of Indian tribes.

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In light of the foregoing, we request that your office respond with all the records responsive to this request, in complete and unredacted form, within twenty working days, as required by the FOIA. 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your immediate attention to this request. Please contact me at (202) 434-1648 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jena A. MacLean", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "M".

Jena A. MacLean



OFFICE OF THE SECRETARY  
**U.S. Department  
of the Interior**

[www.doi.gov](http://www.doi.gov)

## News Release

### **Office of the Assistant Secretary-Indian Affairs**

FOR IMMEDIATE RELEASE  
January 3, 2012

CONTACT: Nedra Darling  
202-219-4152

### **Echo Hawk Issues Reaffirmation of the Tejon Indian Tribe's Government-to-Government Status**

**WASHINGTON, D.C.—** In a letter to the Tejon Indian Tribe of California, Assistant Secretary – Indian Affairs Larry Echo Hawk reaffirmed the federal relationship between the United States and the Tejon Indian Tribe. The Assistant Secretary's letter confirms that the Tribe has a relationship with the federal government.

The Tejon Indian Tribe first requested confirmation of its status in 2006. Due to an administrative error, the Bureau of Indian Affairs (BIA) failed for several years to place the Tejon Indian Tribe on the list of federally recognized tribes that the BIA is required to publish annually. That list, entitled "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," was last published in the Federal Register on October 1, 2010 at 75 FR 60810, and the list was supplemented on October 27, 2010 at 75 FR 66124.

In his letter to the Tejon Indian Tribe, the Assistant Secretary stated that "[u]pon review of the facts and history of this matter, including prior Assistant Secretaries' decisions, I hereby reaffirm the federal relationship between the United States and the Tejon Indian Tribe, thus concluding the long and unfortunate omission of the Tejon Indian Tribe from the list of federally recognized tribes."

The Assistant Secretary-Indian Affairs discharges the duties of the Secretary of the Interior with the authority and direct responsibility to strengthen the government-to-government relationship with the nation's 566 federally recognized tribes, advocate policies that support Indian self-determination, protect and preserve Indian trust assets, and administer a wide array of laws, regulations and functions relating to American Indian and Alaska Native tribes, tribal members and individual trust beneficiaries. The Assistant Secretary oversees the Bureau of Indian Affairs and the Bureau of Indian Education. For more information, visit [www.indianaffairs.gov](http://www.indianaffairs.gov).

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