



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT PROGRAM

November 23, 2020

In reply refer to: FOIA #BPA-2020-00800-F

Douglas J. Albright

(b) (6)

Dear Mr. Albright,

This communication is the Bonneville Power Administration's (BPA) response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on September 30, 2020, as a transferred FOIA request from the Department of Energy FOIA office. The DOE assigned your request a tracking number of HQ 2020-01146-F. BPA accepted that transfer and assigned your request a tracking number of BPA-2020-01159-F. The agency formally acknowledged your request on October 13, 2020.

### **HQ 2020-01146-F Request**

"[Agency records showing t]he cost of court-ordered spilling ... to save fish in the Columbia River..."

### **BPA-2020-01159-F Request**

Via email communications with the BPA FOIA office, exchanged between September 21-30, 2020, you agreed that the settled language of your current FOIA request is as follows: "The agency records requested should show the actual value of the total cost of court ordered spilling through United States Army Corps of Engineers operated dams to limit fish mortality in the Columbia River. This cost-value number is not readily available, but publicly available information is available to reasonably deduce this cost. Combining the three years of available data shows the total cost of spill for those three years at \$1,383,480,959. The average annual cost of spill is therefore \$461,160,320. Records are now requested which would, 1) either support or refute those deduced numbers; 2) show when spilling started; 3) confirm or deny that spilling began in 2017; 4) show any forecast values available for 2020, and, if available, show Generated Revenue and values for Kilo Cubic Feet Per Second (i.e., rate of river water flow) allocated to generation and spill."

## Response

BPA conducted records and information searches in the agency’s Long Term Power Planning office. Knowledgeable personnel in that office note that your current request follows up on your prior request BPA-2020-00800-F for, “...updated numbers to compare with the numbers received in the earlier request BPA-2020-00255-F response... [including] ...new numbers resulting from the Columbia River System Operations and National Oceanic and Atmospheric Administration fisheries deliberations, for comparison.” For reference, your BPA-2020-00255-F request sought, “...information regarding the annual total generation in MWhr and dollars for all Federal Columbia River Power System power plants and the amount of spilling and where it is happening that is mandated by the Court... [including] ...the overview numbers or a few pages in a brief report. [And] “...any memos or reports [that] have been circulated through BPA on the subject of the Index Test Box (ITB) or the Gate Blade Optimizer (GBO).”

Long Term Power Planning reviewed the information and calculations you submitted as part of your BPA-2020-00800-F request. That agency office reports that no new records, not already provided in response to your prior requests, are currently available to provide. However, knowledgeable agency personnel have provided updated information and data in response to your current request. That feedback follows.

The agency has no records that support or refute your calculation, as the agency does not make the calculation you’ve submitted. Agency personnel report that your theory of the calculation would render a very rough estimate only, and misses a number of potential factors, such as the specific market price at the time of spill, what the additional generation would have caused the market price to do, and whether the water would have been stored for a different time period, etc. Your calculation, therefore, makes a very general estimate. Knowledgeable agency personnel can confirm that spill on the river was happening prior to 2017. As mentioned previously, the agency does not calculate a value of spill, but has gathered the 2020 version of the same information provided previously. The following are the available FY 2020 data additions you seek:

Generation	MWHrs (Spill Plants)	MWHrs (Other)	Total MWHrs
2020	30,945,796	49,724,354	80,726,531

Flow KCFS (ann avg)	Turbine Flow	Spill Flow	Spill %
2020	73	30	41%

Fiscal Year	Total Revenue
2020	\$2,605M

**Fees**

There are no fees associated with the agency's response to your FOIA request.

**Certification**

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search and information release described above. Your FOIA request BPA-2020-01159-F is now closed with only limited data available to provide.

**Appeal**

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals  
HG-1, L'Enfant Plaza  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at 503.230.3537, [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov), or at the address on this letter header, for any further assistance and to discuss any aspect of your request. Additionally you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Questions about this communication may be directed to James King, CorSource Technology Group LLC, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or 503.230.7621.

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen  
Freedom of Information/Privacy Act Officer