



Main office: 424 Third Avenue W, Suite 100 • Seattle, WA 98119 • (206) 286-4455 • (206) 286-4454 fax
Field offices: 2031 SE Belmont Street • Portland, OR 97214 • (503) 230-0421 • (503) 230-0677 fax
 1511 N Eleventh Street • Boise, ID 83702 • (208) 345-9067 • (208) 343-9376 fax
 35 W Main Avenue, Suite 200 • Spokane, WA 99201 • (509) 747-2030 • (509) 456-8400 fax
 1717 Massachusetts Avenue NW, Suite 600 • Washington, DC 20036 • (202) 222-0710 • (202) 783-0444 fax

November 22, 2005

**Certified Mail
Return Receipt Requested**

Christina Brannon, FOIA Officer
Mail Stop DK-7
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

*cert requested
new
deadline
1-18-06*

REC	IVED BY BPA
DATE	OFFICE THIS
12/2/05	
DEL	DATE:
1/3/06	
LOG #	
06-008	

Re: Freedom of Information Act Request

Dear Ms. Brannon:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") as amended, the Save Our Wild Salmon Coalition ("SOS") requests copies of any and all documents, records, or correspondence, including, but not limited to, letters, memoranda, emails, notes of telephone conversations, meeting notes, or any other record of communication, regardless of whether those documents were prepared by, or originated with the Bonneville Power Administration ("BPA"), and regardless of when they may have been prepared or come into your possession, that discuss, mention or refer to, or relate in any way to:

- (1) funding the Fish Passage Center in Fiscal Year 2006 (FY06), and more specifically, report language in Fiscal Year 2006 Energy and Water Appropriations bill(s) regarding the Fish Passage Center ("FPC").
- (2) plans for the transfer of the FPC functions to other entities.
- (3) an analysis by the University of Washington's Columbia Basin Research program critiquing recent memos by the FPC entitled, "Preliminary Survival Analysis for Subyearling Chinook originating Above LGR" (dated September 12, 16, and October 25, 2005).

Please include in this request documentation and details of any interactions with members of Congress, their staff, other federal agencies, the Northwest Power and Conservation Council, BPA customers, or any other stakeholder or special interest groups. Withheld documents, if any, must be

- Alaska Trollers Association
- American Rivers
- Association of Northwest Steelheaders
- Boulder-White Clouds Council
- Clearwater Biodiversity Project
- Coalition for Salmon-Steelhead Habitat
- Coast Range Association
- Columbia Riverkeeper
- Defenders of Wildlife
- Earthjustice
- Federation of Fly Fishers
- Friends of the Clearwater
- Friends of the Earth
- Idaho Conservation League
- Idaho Rivers United
- Idaho Steelhead and Salmon Unlimited
- Idaho Wildlife Federation
- Institute for Fisheries Resources
- Izaak Walton League - Greater Seattle Chapter
- Lands Council
- Lighthawk
- Long Live the Kings
- The Mountaineers
- National Wildlife Federation
- Natural Resources Defense Council
- North Cascades Conservation Council
- Northwest Ecosystem Alliance
- Northwest Resource Information Center
- Northwest Sportfishing Industry Association
- NW Energy Coalition
- Oregon Guides and Packers Association
- Oregon Natural Desert Association
- Oregon Natural Resources Council
- Oregon Trout
- Oregon Wildlife Federation
- Pacific Coast Federation of Fishermen's Associations
- Pacific Environmental Advocacy Center
- Pacific Marine Conservation Council
- Puget Sound Harvesters
- Purse Seine Vessel Owners Association
- Rivers Council of Washington
- Salmon For All, Inc.
- Salmon For Washington
- Sawtooth Wildlife Council
- Sierra Club
- The Wilderness Society
- Trout Unlimited
- Washington Kayak Club
- Washington Trollers Association
- Washington Wilderness Coalition
- Washington Wildlife Federation
- Water Watch of Oregon
- Wild Angels
- Willamette Riverkeeper



identified specifically and the basis for withholding explained

The request for documents, records, and correspondence should be interpreted as including, but not limited to, any and all correspondence, memoranda, e-mails, papers, maps, scientific or technical data, telephone logs, meeting notes, and notes documenting any communications, regardless of physical form or characteristics. Our request encompasses all documents and records, whether in draft or final form, in the possession of BPA, regardless of whether the documents or records were produced or prepared by employees of BPA, or whether they originated with BPA.

We would be glad to work with you and your staff to identify the documents sought in this letter. Please do not hesitate to call should you need clarification about whether certain documents fit within the parameters of this request.

Fee Waiver

The Freedom of Information Act and the Department of Energy's implementing regulations permit the waiver of search and copy fees where the release of the information is in the public interest. See 5 U.S.C. § 552(a)(4)(A)(iii); 10 C.F.R. § 1004.9(a)(8). This request satisfies these criteria. We provide the following information relating to the public benefits associated with our request and the entitlement of SOS to a fee waiver in this matter. We believe that a fee waiver is appropriate in this case "because disclosure of the requested information is likely to contribute significantly to public understanding of the operations or activities of" the BPA and disclosure of the requested permits "is not primarily in the commercial interest" of Save Our Wild Salmon. 10 C.F.R. § 1004.9(a)(8)(i).

The proposal in the recently passed FY06 Energy and Water Appropriations Bill to eliminate funding for the FPC has been the subject of intense public interest and scrutiny since the spring of 2005. As the myriad of news articles, editorials, letters, congressional debate and attention demonstrate, the future of the FPC or its functions has generated significant interest from many public constituencies, including commercial and sportfishing businesses, conservationists, state and federal elected officials, and electricity utilities, among others. The requested documents are essential to the public's understanding and assessment of plans to eliminate funding of the FPC and transfer its responsibilities elsewhere, and whether those plans are being implemented in accordance with the Northwest Power Act and other applicable laws and treaties.

SOS is uniquely qualified to review the requested information and synthesize it for consumption by the general public. Through its advocacy for the Northwest's endangered and threatened salmon and steelhead runs in the public, as well as through administrative and judicial processes, SOS has extensive experience with respect to implementation of the Northwest Power Act, the Endangered Species Act, and the myriad functions that the FPC has provided to the Pacific Northwest in that context. SOS will be able to evaluate the information either because of expertise of staff members or through close ties to leading experts in relevant fields, including fishery biologists and fishery managers, who may review the requested documents.

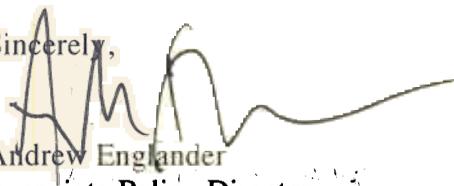
Further, SOS is uniquely qualified to disseminate this information to the public-at-large. SOS will provide the documents, expert synopses of the documents, and expert legal analysis based on the documents, to the interested community and the general public through public education activities. SOS is a recognized contact for national and regional news outlets, elected officials, and interested members of the public on issues relating to the FPC. SOS uses its media contacts as an opportunity to disseminate relevant information to the public on governmental activities relating to the FPC to ensure full and balanced coverage by the media. Similarly, SOS employs an extensive program to educate its over 6,000,000 members nationwide and the public on salmon recovery issues such as funding the FPC, including community outreach, preparation of reports, summaries, and formal comments to local, state, tribal, and federal legislative and administrative bodies, distribution of news releases and statements, and giving interviews and press conferences to the media.

For example, on July 12, 2005, SOS and its member organizations sent a letter to the relevant Senate Subcommittee on the proposal to de-fund the FPC, and on July 13, 2005, SOS delivered a package of newspaper editorials on the FPC proposal to the entire U.S House of Representatives and U.S. Senate. In addition, on November 10, 2005, SOS distributed a press release for its member organizations informing the media of expected Congressional passage of the proposal to de-fund the FPC.

SOS will not use the requested documents to obtain any financial gain. Rather, we will use the documents to monitor and evaluate efforts to transfer the functions of the FPC, a subject relevant to the health and welfare of the public and of long-standing and intense public interest and involvement. SOS is a § 501(c)(3) tax-exempt non-profit organization of more than 50 sport fishing, commercial fishing, and conservation organizations – local, regional, and national – which seek restoration of salmon stocks throughout the Pacific Northwest to sustainably harvestable numbers. A fee waiver is clearly appropriate under these circumstances, and we request such a waiver.

As provided in FOIA, 5 U.S.C. § 552(a)(6)(A), we will expect a response within twenty working days. Thank you for your assistance. If you have any questions regarding this request, please do not hesitate to call.

Sincerely,



Andrew Englander
Associate Policy Director
Save Our Wild Salmon
1707 H Street, NW
Suite 1050
Washington, DC 20006
Phone: 202-955-5609, ext. 302
Fax: 202-955-5789
Andrew@wildsalmon.org