



Department of Energy

Official File

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

CORPORATE

March 20, 2006

In reply refer to: DK-7

Public Employees for Environmental Responsibility (PEER)
Mr. Richard E. Condit
Ms. Nancy P. Ruggeri
2000 P Street NW, Suite 240
Washington D.C. 20036

RE: FOIA Request #06-018

Dear Mr. Condit and Ms. Ruggeri:

Thank you for your fax letter of March 14, 2006, requesting information under the Freedom of Information Act. In your letter, you requested responsive documents for the following:

1. For the period January 1, 2004, through the present, all documents reflecting any communications (including email) between Bonneville Power Administration (BPA) and Senator Larry Craig, or any member of his staff or person working in his office, pertaining in any manner to the Fish Passage Center or any persons working at the Center.
2. Copies of all documents that BPA relies upon to justify closing the Fish Passage Center.
3. Copies of all documents pertaining to the detailing of any BPA employee or contractor to work on Senator Craig's staff or on any committee or sub-committee of which the Senator is a member.
4. For the period January 1, 2004, through the present, copies of all documents reflecting any type of complaint about the performance of the Fish Passage Center or the performance of any person who worked at the Center.
5. For the period January 1, 2005, through the present, all documents pertaining to the arguments raised by the Plaintiffs or Aminci in NWF, et al. v. National Marine Fisheries Service, et al., 3:01-cv-00640-RE, seeking additional spill or the decision(s) of the U.S. District Court for the District of Oregon to require additional spill.

6. Copies of all documents that pertain to the decision not to continue funding for the work of Michele DeHart, Thomas Berggren, and Margaret Filardo.
7. Copies of all documents that pertain in any manner to or discuss restrictions or constraints placed upon any BPA employee, contractor, or grant recipient regarding communications with the media, Tribal or State governments or officials, environmental groups (e.g., National Wildlife Federation), or State or Federal courts.

Your request was received by our office on March 15, 2006, and has been logged in as FOIA #06-018. In your letter, you requested a waiver of fees associated with this request. BPA is granting your request for a fee waiver. Under FOIA, a request is not considered received until the requestor has promised to pay fees (above a minimum amount) or the agency has decided to waive the fees. The determination on your fee waiver occurred on March 20, 2006, which begins the 20-day response period. Therefore, BPA has until April 14, 2006 to provide a response.

Mr. Greg Delwiche, vice president of the BPA Division of Environment, Fish and Wildlife, Mr. Steve Oliver, vice president of the BPA Generation Supply group, and Ms. Lorri Bodi, BPA senior policy advisor, have been designated as Authorizing Officials for your request. Should you have any questions, contact information for the authorizing officials associated with your request is as follows;

Mr. Delwiche may be reached at Mail Stop KEW-4 or by calling 503-230-4452
Mr. Oliver may be reached at Mail Stop PG-5 or by calling 503-230-4090
Ms. Bodi may be reached at Mail Stop A-SEATTLE or by calling 206-220-6768

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Officer

APPENDIX A

FOIA Request Item No.	Description	Applicable FOIA Exemptions/Privileges	Withheld in entirety or partially redacted
2	Internal BPA emails dated 3/1/06 – 3/2/06, subject: “Council’s intervention in NEDC v. BPA.”	5 (attorney-client)	No reasonably segregable portions except for email heading
2	1/21/05 internal BPA email, subject: “RE: FPC response to UW review.”	5 (deliberative process)	No reasonably segregable portions except for email heading
2	11/18/05 internal BPA email, subject: “Talking points: Conferees to BPA: ‘Do not fund FPC’” & document attachment “No_Fund_FPC_tp1.doc”.	5 (deliberative process)	Redacted staff comments on email; attachment withheld in entirety
2	1/25/06 – 1/30/06 internal BPA emails, subject: “Analysis of FPC SOW” with attachment entitled “CRITFCrequest(2).doc” prepared by Philip Key	5 (attorney-client)	No reasonably segregable portions except for email heading; attachment withheld in entirety
2	Internal BPA emails dated 03/18/06 through 03/20/06, subject: “Yakama/NEDC motions to stay granted and steps taken to comply with the court’s order.”	5 (deliberative process; attorney-client; attorney work product)	Withheld non-exempt portions of emails

2	Internal BPA emails dated 1/17/06 through 1/25/06, subject: "FPC Proposal review summary"	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email headings
2	3/23/06 internal BPA document prepared by Philip Key entitled "Draft Options for Next Step Alternatives."	5 (attorney-client; deliberative process)	Withheld in entirety; no reasonably segregable portions
2	1/24/06 internal BPA email, subject: FPC lawsuit filed January 20."	5 (attorney-client)	No reasonably segregable portions except for email heading
2	Internal BPA emails dated 1/9/06 through 1/10/06, subject: "Fish Passage Center Plan B."	5 (deliberative process)	No reasonably segregable portions except for email headings
2	Internal BPA emails dated 1/10/06 – 1/12/06, subject: "Broader Analysis Function post FPC" and attachment, "Analytical structure v. 1.doc"	5 (deliberative process)	No reasonably segregable portions except for email headings; attachment withheld in entirety
2	Internal BPA emails dated 1/19/06 through 1/23/06, subject: "Proposed approach for continuing science analysis function of FPC (plan B), with attachment: "Non-routine Analysis Diagram.doc"	5 (deliberative process)	No reasonably segregable portions to emails and attachment except for email headings

2	Internal BPA emails dated 1/24/06 – 1/26/06, subject: “FPC announcement on Thursday.”	5 (attorney-client; deliberative process; attorney work product)	No reasonably segregable portions except for email headings
2	3/15/06 internal emails between BPA staff and DOJ attorneys, subject: “Most Recent Filings that were filed in the NWF case”	5 (attorney-client: deliberative process)	No reasonably segregable portions to emails and attachment except for email headings
2	3/13/06 internal emails between BPA & DOJ attorneys, subject: “DeHart v. BPA—New Fish Passage Case.”	5 (attorney-client)	No reasonably segregable portions except for email heading
2	Internal emails dated 2/27/06 – 2/28/06 between BPA attorneys and BPA staff, subject: “FPC Discussions w/ODFW and CRITFC.”	5 (attorney-client)	No reasonably segregable portions except for email headings
2	internal emails dated 2/21/06 – 2/22/06 between BPA staff & BPA attorney, subject: “Qualifications of Pacific States to do FPC work” and document attachment entitled “PSMFC.doc”	5 (attorney-client)	No reasonably segregable portions to emails except for email headings; attachment is being released

2	Draft internal document prepared by BPA staff dated 4/4/06 entitled "Working Draft – Decision Support Analysis for Fish Passage Center (FPC) Litigation Next Steps"	5 (attorney-client; attorney work-product; deliberative process)	Withheld in entirety; no reasonably segregable portions
2	Internal email dated 7/5/05, subject: "Fish MC Takeaways – July 1 Meeting"	5 (deliberative process)	No reasonably segregable portions to emails except for email heading
2	1/16/06 letter to Kim Fodrea, BPA, from Brian Allee, Ph.D, summarizing his opinions & recommendations on proposals that BPA asked him to review	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions
2	Internal BPA emails dated 1/17/06 – 1/24/06, subject: "FPC Proposal review summary."	5 (deliberative process)	No reasonably segregable portions to emails except for email headings
2	Internal emails dated 1/12/06 through 1/17/06, between BPA staff & consultant Brian Allee, subject: "Proposal review."	5 (deliberative process)	No reasonably segregable portions to emails except for email headings
2	Internal BPA emails dated 1/17/06 – 1/24/06, subject: "FPC Proposal review summary" and "Proposal review summary" and document attachments entitled "Proposal Review & Recommendation..."	5 (deliberative process)	No reasonably segregable portions to emails and attachments except for email headings

2	Internal BPA email dated 1/24/06, subject: "Scope of FPC's current contract relative to what ODFW etc are asking for from FPC in remand"	5 (attorney-client)	No reasonably segregable portions to emails and attachments except for email heading
2	Internal BPA emails dated 3/1/06 - 3/2/06, subject: "NEDC v. BPA, Fish Passage Center Draft Brief"	5 (attorney-client)	No reasonably segregable portions except for email headings
2	Internal email dated 3/17/06 between BPA & DOE, subject: "New lawsuit"	5 (attorney-client)	No reasonably segregable portions except for email heading
2	Internal BPA email dated 2/16/06, subject "Chapter 2 of FWIP" with attachment entitled "delwiche4.doc"	5 (deliberative process; attorney-work product)	No reasonably segregable portions to email or attachment except for email heading
2	Internal BPA/DOJ draft briefs and draft declarations concerning NEDC v. BPA litigation, and internal transmittal emails between BPA and/or DOJ attorneys and BPA staff	5 (attorney work product; attorney-client)	Withheld in entirety; no reasonably segregable portions
2	Internal BPA briefing document dated 2/24/06, "Fish MC Litigation Update" prepared by BPA attorneys	5 (attorney-client; attorney work product)	Withheld in entirety; no reasonably segregable portions
2	Internal BPA emails dated 3/13/06 – 3/14/06, subject: "Fish Passage Center/Pacific States contracts" and attachment: "FPC_PSMFC_Roles.doc"	5 (attorney-client)	No reasonably segregable portions of emails except for email headings; attachment released in entirety
2	Internal BPA email dated 1/23/06, subject: "Releasing FPC RFP Information and Results"	5 (attorney-client)	No reasonably segregable portions except for email heading
2	Internal emails dated 3/1/06, subject: "Okay, a dumb FPC request, but..." and attachment, "Termination Clause for PSMFC.doc"	5 (attorney-client)	No reasonably segregable portions of emails except headings; attachment released in entirety

3	8/29/05 letter to DOE Deputy Secretary from BPA Administrator, Stephen Wright, approval non-reimbursable detail of Jessica Wilcox to Senator Craig's office	6 (personal privacy)	Redacted Jessica Wilcox's social security number from section 1 of agreement
3	8/9/05 internal BPA emails regarding ethics legal issues/advice relating to Wilcox detail	5 (attorney-client)	No reasonably segregable portions except for email headings
3	Email dated 8/29/05, subject: "agreement," with attached draft agreement regarding Wilcox detail	6 (personal privacy)	Redacted Wilcox's social security number from section 1 of draft agreement
4	1/23/06 internal BPA emails, subject: "Fish Passage Center"	5 (deliberative process; attorney-client)	No reasonably segregable portions except for email headings
4	1/19/06 internal email, subject: "RE: Material for FPC 'Roll-out' Meeting"	5 (deliberative process)	No reasonably segregable portions except for email headings
4	Internal BPA draft document containing staff hand-written notes entitled "Draft #2 - AGENDA - Meeting between Chairs and Policy Leaders, Columbia River Treaty Tribes and Regional Federal Executives - July 14, 2005 - Ice Harbor Dam, Washington"	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions
4	1/19/06 internal BPA/DOE emails, subject: "Cabinet report language on FPC"	5 (deliberative process)	No reasonably segregable portions except for email headings
4	Draft internal document entitled "Technical Services for Expanded Fish Passage Analysis (Expanded SOW 2)"	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions
4	Internal email with attachment entitled "Jan 24 FPC presentation remarks.doc"	5 (deliberative process)	No reasonably segregable portions except for email heading; attachment withheld in entirety

4	Internal emails dated 1/3/06 – 1/4/06, subject: “New FPC Proposals – Rating Criteria,” and document attachment entitled “New FPC Proposal Evaluation Criteria.doc”	5 (deliberative process)	No reasonably segregable portions except for email headings; attachment withheld in entirety
4	Internal email dated 1/25/06, subject: DRAFT talking points re PSMFC contract, and attachment entitled, “FPC_PFP_TP.doc” (draft talking points)	5 (deliberative process)	No reasonably segregable portions except for email heading; attachment withheld in entirety
4	Internal BPA email dated 1/20/06, subject: Today’s status conference	5 (deliberative process; attorney-client)	No reasonably segregable portions except for email heading
4	Internal BPA emails dated 1/25/06 – 1/26/06, subject: “Fish Passage Center Press Rel2.doc”, with attachment, “Fish Passage Center Press Rel2...”	5 (deliberative process)	No reasonably segregable portions except for email heading; draft attachment withheld in entirety
4	Internal BPA emails dated 1/25/06 – 1/17/06 subjects: “FPC presentation for tomorrow,” and “Proposal Review summary” with attachment entitled “fpc work transfer pln.PPT”	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email heading; draft attachment withheld in entirety
4	Internal BPA email dated 1/30/06, subject: “FPC Transition”	5 (deliberative process)	No reasonably segregable portions except for email heading
4	Internal BPA emails dated 3/23/06, subject: “FPC update” and “FPC update on reintegration” with attachment from OPB website	5 (attorney-client)	No reasonably segregable portions of emails except for email headings; attachment released in entirety
4	Internal BPA email dated 3/14/06, subject: “Communications on DeHart v. BPA”	5 (deliberative process; attorney-client)	No reasonably segregable portions except for email heading

4	Internal BPA emails dated 3/2/06 – 3/7/06, subject: “DeHart comparison of BPA contracts to FPC’s contract”	5 (deliberative process)	No reasonably segregable portions except for email headings; attachment released in entirety
4	Internal emails dated 1/12/06 – 1/13/06, subject: “Fish Passage Center”	5 (attorney work product)	No reasonably segregable portions except for email headings
4	Internal emails dated 9/12/05 – 9/16/05, subject: “Response to FPC Memo”	5 (deliberative process)	No reasonably segregable portions except for email headings
4	Internal email dated 9/15/05, subject: “counter to FPC analysis & other likely conclusions re summer spill” and attachment: “Comments on FPC memo re 2005 survival.doc	5 (deliberative process)	No reasonably segregable portions except for email heading; redacted deliberative comments from attachment
5	Internal emails dated 2/10/06 and 3/3/06, subject: “UPDATED Side-by-Side” and attachment, “ImpactsofProposal2006ops.doc”	5 (deliberative process)	No reasonably segregable portions except for email heading; attachment withheld in entirety
5	Internal emails dated 1/9/06, subject: “On Redden” with link to TriCity Herald document	5 (deliberative process)	No reasonably segregable portions of emails except for email headings; attachment released in entirety
5	Internal emails dated 12/20/05 through 12/21/05, subject: “Draft News Release re appeal”	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal email between BPA & DOJ dated 12/22/05, subject: “FCRPS – Privileged – FOIA EXEMPT”	5 (attorney-client)	No reasonably segregable portions except for email heading

5	Internal emails dated 12/15/05, subject: "Response to Request for PI bullets"; Internal email dated 12/15/05, subject: "REDRAFT REDDEN STORY"; and Internal email dated 12/15/05, subject: "Redden Hearing"	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 11/7/05 – 11/8/05, subject: "Follow On to Cost of Plaintiff's PI Motion vs. UPA/BiOp" and "Cost of Plaintiff's PI Motion vs. UPA/BiOP"	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 11/23/05 – 1/28/05, subject: "Questions raised on the congressional call re: PI response"	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 1/30/06 – 1/31/06 between BPA attorney and client and between BPA/DOJ, subject: "Emailing:NewsRelease.htm"	5 (attorney-client)	No reasonably segregable portions except for email headings
5	Internal emails dated 11/3/05 – between BPA attorney and client and between BPA/DOJ, subject: "BiOp Litigation – Request Plaintiffs to Discuss Underlying Biological Analyses"	5 (attorney-client)	No reasonably segregable portions except for email headings
5	Internal emails between BPA and/or BPA & DOJ dated 11/1/05, subject: "NWF v. NMFS: Pls' P.I. Motion Part 1"	5 (attorney-client)	No reasonably segregable portions except for email headings
5	Internal email between BPA and/or BPA & DOJ dated 4/21/05, subject: "Comments on 4/21 draft PI brief"	5 (attorney-client)	No reasonably segregable portions except for email heading
5	3/22/05 internal email, subject: "FCRPS BiOp litigation: summaries of preliminary injunction filings" and attachment "Summary of PI motion.doc"	5 (attorney-client; attorney-work product; deliberative process)	No reasonably segregable portions except for email heading; attachment withheld in entirety

5	Internal emails dated 3/24/05 – 4/4/05, subject: “Response to Preliminary Injunction”	5 (attorney-client; attorney-work product; deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 4/13/05 – 4/14/05, subject: “Wrap-up of meeting on impacts of Motion for preliminary injunction”	5 (attorney-client; attorney-work product; deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 5/19/05 – 5/23/05, subject: “Plaintiffs’ latest PI filings”	5 (deliberative process; attorney-client)	No reasonably segregable portions except for email headings
5	Internal emails dated 6/9/05, subject: “Impact of spill component from Preliminary Injunction”	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 6/10/05 – 6/13/05, subject: “BPA declaration for appeal of Judge Redden’s decision” and attachment “BPA_Decl_for_appeal.doc”	5 (deliberative process; attorney-client; attorney work product)	No reasonably segregable portions except for email headings; attachment withheld in entirety
5	Internal emails dated 6/7/05 – 6/8/05, subject: “spill component of initial \$102M cost of PI Motion”	5 (deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 4/8/05, subject: “Revenue Impacts of Plaintiff’s Preliminary Injunction”	5 (deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 3/28/05 – 3/30/05 and 11/7/05, subject: “Cost of Plaintiff’s proposed spill in PI,” and “Follow-On to Cost of Plaintiff’s PI Motion vs. UPA/BiOp”	5 (deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 6/1/05, subject: “BPA additional declarations in response to PI filings”	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 6/22/05, subject: “NWF v. NMFS, COE & BOR: No time for the dust to clear”	5 (attorney work product; deliberative process)	No reasonably segregable portions except for email headings;

5	Internal emails dated 7/1/05 – 7/5/05, subject: “report to Redden on spill implementation”	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 8/4/05, subject: “NWF v. NMFS: motion to vacate; emergencies”	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email headings;
5	Internal emails dated 8/16/05 – 8/17/05, subject: “Federal Attorney and Plaintiffs’ Attorney Meeting (BiOp remand) and attachment	5 (attorney-client; deliberative process)	No reasonably segregable portions except for email headings; attachment withheld in entirety
5	Internal emails dated 6/14/05 – 6/15/05, subject: “Preliminary Injunction Spill cost calculation without the MT Proposal at LIB and HGH”	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal email dated 10/26/05, subject: “potential proposed operations in response to PI motion”	5 (deliberative process)	No reasonably segregable portions except for email heading
5	Draft document dated 10/31/05, “Summer Spill 2005 After-Action Report”	5 (deliberative process)	Withheld in entirety; No reasonably segregable portions
5	Internal emails dated 11/1/05 – 1/2/05, subject: “modeling of Plaintiffs’ Motion for Preliminary Injunction,” and attachment “jim.rull.vcf”	5 (attorney-client; deliberative)	No reasonably segregable portions except email headings; attachment withheld in entirety
5	Internal emails dated 11/14/05 – 11/15/05, subject: “**NWF v. NMFS”	5 (attorney-client; deliberative)	No reasonably segregable portions except email headings
5	Internal emails dated 1/4/06, subject: “Cost of 2006 Court Ordered Ops”	5 (deliberative)	No reasonably segregable portions except email heading
5	Internal emails dated 12/29/05 and 1/4/06, subject: “Salmon litigation decision” and “Update on Salmon litigation”	5 (deliberative)	No reasonably segregable portions except email headings

5	Emails dated 11/21/05 – 1/29/05, subject: “[constituents] Council analysis of plaintiffs’ river operations proposal”	5 (deliberative; attorney-client)	Redacted non-segregable portions of emails (email headings and emails between BPA and Steve Weiss, NW Energy Coalition)
5	Internal emails dated 12/29/05, subject: “FCRPS PI Decision”	5 (attorney-client)	No reasonably segregable portions except email headings
5	Internal email dated 8/29/05, subject: “8/29/05 NWF v. NMFS Tel Conf”	5 (attorney-client)	No reasonably segregable portions except email heading
5	Internal emails dated 5/31/05 – 6/3/05, subject: “**NWF v. NMFS** -- recent filings re our Motion to Strike”	5 (attorney-client; deliberative process)	No reasonably segregable portions except email headings
5	Internal email dated 1/3/05, subject: “Warm Springs Tribes’ Summer Spill Declaration”	5 (attorney-client)	No reasonably segregable portions except email heading
5	Internal email dated 5/24/05, subject: “Summary of attys call today & follow up needed”	5 (attorney-client; deliberative process; attorney work product)	No reasonably segregable portions except email heading
5	Internal email dated 10/17/05, subject: “BPA Declarations for BiOp Litigation”	5 (attorney-client)	No reasonably segregable portions except email heading
5	Internal emails dated 11/10/05, subject: “Ice Harbor”	5 (deliberative process)	No reasonably segregable portions except email headings
5	Internal emails dated 11/10/05 & 1/11/05, subject: “UPDATE on PI ALTERNATIVE” and “transport study precision”	5 (deliberative process)	No reasonably segregable portions except email headings
5	Internal emails dated 4/29/05, subject: Summer Spill Impacts on Power”	5 (deliberative process)	No reasonably segregable portions except email headings

5	Various internal emails, draft declarations, and draft documents between Lydia Grimm, BPA attorney, and BPA staff and/or DOJ attorneys regarding BiOP litigation	5 (attorney-client; deliberative process)	Withheld in entirety; no reasonably segregable portions
5	Internal email dated 11/7/05, subject: PIMotion vs. UPA/BiOp modeling output	5 (deliberative process)	No reasonably segregable portions except email heading
5	Internal emails dated 12/6/05 – 12/7/05, subject: “Next draft: Dec. 7 plaintiff’s responses and “DRAFT talking points: ...” and attachment dated 12/7/05, “Plaintiffs claim BPA is ‘spinning’ their proposal”	5 (deliberative process)	No reasonably segregable portions except email headings; attachment withheld in entirety
5	Internal emails dated 12/29/05, subject: “FCRPS PI Decision”	5 (attorney-client)	No reasonably segregable portions except email headings
5	Internal emails between BPA and DOJ dated 7/28/05 – 7/29/05 concerning a confidential settlement communication	5 (attorney-work product; attorney-client)	Withheld in entirety; no reasonably segregable portions
5	Internal emails dated 1/11/06 and 1/12/06, subject: “Pls Comments on Status Report and follow-up on Horton invoice”	5 (attorney-client)	No reasonably segregable portions except email headings
5	Internal emails dated 1/17/06, subject: ODFW, WDFW and CRITFC letter on FPC for remand” and attached letter to DeHart dated 1/12/06	5 (attorney-client; deliberative)	No reasonably segregable portions of emails except email headings; attachment released in entirety
5	Internal email dated 2/8/04, subject: “summer spill econ analysis”	5 (deliberative process)	Redacted deliberative comments from Suzanne Cooper

5	Internal emails dated 4/12/05, subject: "***NWF v. NMFS** DRAFT REPLY"	5 (deliberative process; attorney work product; attorney-client)	No reasonably segregable portions except for email headings
5	Internal emails dated 9/13/05 – 9/14/05, subject: "FPC messages consolidated"	5 (deliberative process)	No reasonably segregable portions except for email headings
5	Internal emails dated 11/21/05, subject: "PI Motion"	5 (deliberative process)	No reasonably segregable portions except for email headings
6	Internal emails dated 3/3/06 – 3/9/06, subject: "BPA's response to DeHart's comparison of BPA contracts to FPC's contract"	5 (attorney-client; deliberative process)	No reasonably segregable portions except email headings
6	Internal BPA document "Recommendation for Transferring the FPC's Work to Other Entities in 2006"	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions except email headings
6	Draft Internal BPA document "Proposal Review and Recommendation for Transferring the FPC's Work to Other Entities in 2006"	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions
6	2/24/06 internal email, subject: "Sort of FPC responsibilities: PSMFC or Battelle?"	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions except email headings
7	Internal emails dated 3/18/06 – 3/20/06, subject: "Yakama/NEDC motions to stay granted and steps taken to comply with the court's order"	5 (deliberative process; attorney-client)	No reasonably segregable portions except email headings

7	Internal emails dated 3/21/06 – 3/23/06, subject: “DeHart v. BPA/Stephen Wright” and “Staff communications”	5 (deliberative process; attorney-client)	No reasonably segregable portions except email headings
7	Internal email dated 3/14/06, subject: “Communications on DeHart v. BPA”	5 (attorney-client)	No reasonably segregable portions except email heading
7	Draft internal document dated 3/17/06, subject: “Litigation on BPA transfer of fish data collection contracts” (Talking Points)	5 (deliberative process)	Withheld in entirety; no reasonably segregable portions
7	Internal email dated 8/5/05, subject: “NWF: Communications With Media”	5 (attorney-client)	Redacted portion of email with DOJ attorney comments
7	Internal emails dated 3/13/05, subject: “Fish Passage Center/Pacific States contracts”	5 (attorney-client)	No reasonably segregable portions except email headings
7	Internal email dated 1/30/06, subject: “Plan for FPC work transfer.doc”	5 (attorney-client)	No reasonably segregable portions except email heading
7	Internal draft document dated 6/23/05, entitled “Proposed language would stop BPA funding of Fish Passage Center”	5 (deliberative process)	Withheld in entirety; no reason
7	Draft internal document dated 3/20/06, subject: “Litigation on BPA transfer of fish data collection contracts” (Talking Points) (comments of BPA attorney, Phil Key)	5 (deliberative process; attorney-client)	Withheld in entirety; no reasonably segregable portions



Public Employees for Environmental Responsibility

2000 P Street, NW • Suite 240 • Washington, D.C. 20036 • 202-265-PEER(7337) • fax: 202-265-4192
e-mail: info@peer.org • website: www.peer.org

VIA FACSIMILE: 503-230-4019; 503-230-5884; 503-230-4576

Ms. Debbie Smiley
Mail Stop DK-7
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

March 20, 2006

Dear Ms. Smiley:

Per our conversation on Thursday, March 16, this letter is to inform you that PEER disagrees with your interpretation of the FOIA statute regarding fee waiver. Specifically, PEER does not agree that the 20 day clock for BPA's allotted time to respond to PEER's FOIA request, starts to run after a fee waiver determination has been made. To the contrary, it is PEER's understanding that the 20 day clock began to run from the moment BPA received PEER's FOIA request (date of receipt has been confirmed by BPA as March 15, 2006).

However, if you would provide a reference to the FOIA statute that supports your position, PEER will reconsider our analysis. In the meantime, the 20 day clock is ticking.

If BPA ultimately denies PEER's fee waiver request, PEER will tentatively agree to pay fees while the request is being processed and while our appeal of the fee waiver denial is pending. Please note that no agency has successfully denied PEER a FOIA request fee waiver.

In addition, PEER seeks assurance that all appropriate components of BPA regarding the FOIA request have been alerted, in order to prevent the loss or destruction of responsive documents. Please verify that such preventive measures have taken place.

I can be reached at (202) 265-PEER. Thank you for your attention to this matter.

Sincerely,

Nancy P. Ruggeri
Staff Attorney

Cc: Ms. Christina Brannon, FOIA Officer





Department of Energy

Official File

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

CORPORATE

April 11, 2006

In reply refer to: DK-7

Public Employees for Environmental Responsibility (PEER)
Mr. Richard E. Condit
Ms. Nancy P. Ruggeri
2000 P Street NW, Suite 240
Washington D.C. 20036

RE: FOIA Request #06-018

Dear Mr. Condit and Ms. Ruggeri:

I am writing regarding your Freedom of Information Act (FOIA) request #06-018. Although we have provided a number of documents responsive to your request in a partial release dated April 3, 2006, we are unable to meet the initial deadline for completion of this FOIA request. As permitted by statute, we will take a ten working-day extension of time in which to respond to your request. The extension will also provide us with enough time to collect and complete the review process of the remaining materials gathered in response to your FOIA request. The new due date for this FOIA is April 28, 2006.

If you have any questions, please contact my associate, Debra Smiley at 503/230-3419, or mail stop DKC-7.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Officer



Department of Energy

Official File

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

CORPORATE

April 28, 2006

In reply refer to: DK-7

Public Employees for Environmental Responsibility (PEER)
Mr. Richard E. Condit
Ms. Nancy P. Ruggeri
2000 P Street NW, Suite 240
Washington D.C. 20036

RE: FOIA Request #06-018

Dear Mr. Condit and Ms. Ruggeri:

I am writing regarding your Freedom of Information Act (FOIA) request #06-018. Due to the breadth of your request, we are unable to meet the extended deadline for completion of April 28, 2006. We expect to complete the review process by May 5, 2006.

If you have any questions, please contact Joel Scruggs at 503-230-5511, or mail stop DKC-7.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Officer