



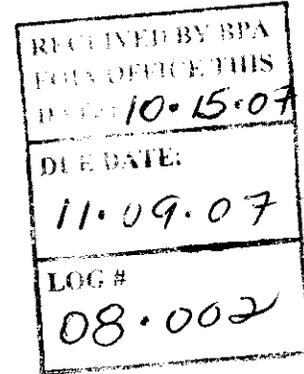
United States Department of the Interior



FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
ABA-CGS-FOIA



October 10, 2007

Ms. Christina J. Brannon, FOIA Officer
Bonneville Power Administration
P. O. Box 3621
Portland, Oregon 97208-3621

Dear Ms. Brannon:

The Fish and Wildlife Service (FWS) has received a FOIA request (7-00964) dated June 27, 2007, from Mr. Neal Clark, Save Our *Wild* Salmon, regarding records related to FWS participation in the process to develop a Biological Opinion for the Operation of the Federal Columbia River Power System on remand, including the COMPASS model. A copy of this FOIA request is enclosed.

On October 4, one responsive record located in FWS files were sent to you for review and a release determination. Our Fisheries Program Office has since located an additional two records, which are enclosed for your review and release determination.

Please respond directly to Neal Clark, Save Our *Wild* Salmon, 2031 SE Belmont Street, Portland, Oregon 97214; and provide a copy of your response to me at this address to complete our files.

If you have any questions, please contact me at 503-231-2072.

Sincerely,

Patti Carroll
FOIA Officer
Pacific Northwest Regional Office/California Nevada Operations Office

cc: Neal Clark, Save Our *Wild* Salmon

Enclosures

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RECEIVED 7/24/07
JHunt

#07-00877

June 27, 2007

Certified Mail
Return Receipt Requested

Mr. Johnny Hunt
Freedom of Information Act Compliance Officer
U.S. Fish and Wildlife Service
Division of Policy & Directives Management
4401 N. Fairfax Drive, Rm. 222
Arlington, VA 22203

Re: Freedom of Information Act Request

Dear Mr. Hunt:

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, communications, or correspondence, including, but not limited to, letters, memoranda, e-mails, notes of telephone conversations, or any other record of communication, on or after January 1, 2007 through the date of your response to this request, by, to, or between any employee of the U.S. Fish and Wildlife Service ("FWS") and any other employee or contractor of FWS or the Department of the Interior, the Council on Environmental Quality, the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, the Bonneville Power Administration, the National Marine Fisheries Service, or the National Oceanic and Atmospheric Administration regarding or relating in any way to the U.S. Fish and Wildlife Service's participation in the process to develop a Biological Opinion for the Operation of the Federal Columbia River Power System on remand ("FCRPS BiOp"). This request includes any documents of any kind that mention, discuss, or relate in any way to the role, or any consideration of a role, that FWS employees or contractors had, currently have, or will have in any aspect of the preparation, review, critique, or development of data and analyses that may inform any aspect of the FCRPS BiOp or the proposed action for consideration in the FCRPS BiOp, including but not limited to the development of the so-called COMPASS model by the National Oceanic and Atmospheric Administration and others. The requested documents specifically include any that relate in any way to limiting or changing the role or participation of any FWS employee or contractor in any aspect of preparation of the FCRPS BiOp or analyses related to it. Withheld documents, if any, must be 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

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communications, regardless of physical form or characteristics. Our request encompasses all documents and records, whether in draft or final form, in the possession of FWS, regardless of whether the documents or records were produced by employees or contractors of FWS.

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 FWS'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); 43 C.F.R. § 2.21(a). 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.

Preservation and recovery of the Northwest's salmon and steelhead, particularly those in the Columbia and Snake Rivers, has been the subject of intense public interest and scrutiny even before many of these stocks were listed as threatened or endangered pursuant to the Endangered Species Act. As thousands of public comments, public meetings, Congressional hearings, and media attention demonstrate, protection and recovery of Northwest salmon and steelhead has spawned intense interest among many segments of the public, including environmentalists, commercial fisherman, state and federal legislators, and water resource users. Many of these groups, on all sides of the public discourse, are concerned that the federal government take the necessary steps to protect and recover listed salmon and steelhead stocks. The requested documents are essential to the public's understanding and assessment of the implementation of that goal and the Endangered Species Act in the region. In particular, at least one news organization has reported disagreement between FWS and NMFS regarding FWS's participation in the FCRPS BiOp remand. See Attachment A, *Gagging the salmon-counters*, Cascadia Times, Spring 2007 at 11 ("According to one insider, Bonneville and NOAA are trying to toss the Fish and Wildlife Service 'completely out of the mainstem Columbia and are putting pressure at the Washington, D.C. level'"). A response to this request will help the public to better understand the accuracy of this and other reports and all of the factors underlying these actions.

SOS will use the requested information to evaluate FWS's efforts to achieve the goals of the Endangered Species Act and other applicable environmental laws. SOS is uniquely qualified to review the requested information and synthesize it for consumption by the general public. Through advocacy on Endangered Species Act and salmon issues in the administrative and judicial processes, each of these groups has extensive experience with respect to the Endangered Species Act and, in particular, its application to threatened and endangered anadromous fish stocks in the Northwest. In addition, SOS will be able to evaluate the information either because

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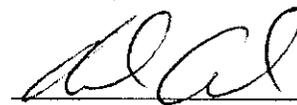
of the expertise of staff members or the close ties to leading experts in relevant fields, including fisheries biology, who may review the requested documents.

SOS will provide the documents, expert synopses of the documents, and expert and legal advice based on review of the documents, to the interested community and the general public through public education activities. Indeed, SOS is uniquely well-qualified to disseminate this information to the public at large. SOS is a recognized contact for the regional and national news media on salmon preservation and recovery issues in the Pacific Northwest. SOS uses its media contacts as an opportunity to publicly disseminate information on governmental activities gleaned from the review of FOIA documents and to ensure full and balanced coverage of environmental issues by the news media. Save Our *Wild* Salmon has extensive programs to educate its over 6,000,000 members and the public on ESA and salmon recovery issues, including: community outreach; conducting conferences and symposia; preparing reports and comments to local, state, tribal, and federal legislative and administrative bodies; and disseminating news releases, giving interviews and press conferences to the media.

SOS will not benefit financially from the requested documents. Save Our *Wild* Salmon 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 abundant salmon stocks throughout the Pacific Northwest to sustainably harvestable numbers. SOS will not use the requested documents to obtain any financial gain. Rather, we will use the documents to monitor and evaluate FWS's efforts to implement the ESA to protect listed anadromous fish species, a subject relevant to the health and welfare of the public and of long-standing and intense public interest and involvement. A fee waiver is clearly appropriate under these circumstances, and we request such a waiver.

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

Sincerely,



Neal Clark
Save Our *Wild* Salmon
2031 SE Belmont St.
Portland, OR 97214
Phone: (503) 230-0421
Fax: (503) 230-0677