

# TRI-STATE

## WATER QUALITY COUNCIL

101 N. Fourth Ave., Suite 105  
Sandpoint, ID 83864  
Phone: (208) 265-9092 • Fax: (208) 265-0754  
www.tristatecouncil.org • e-mail: tristatecouncil@sandpoint.net

RECEIVED BY BPA FOIA OFFICE THIS DATE: 1.6.10
DUE DATE: 2.4.10
LOG # BPA-2010-00760-F

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 31, 2009

Mr. Stephen J. Wright  
Appointed Administrator  
Bonneville Power Administration  
905 NE 11<sup>th</sup> Avenue  
Portland, OR 97232

RE: Freedom of Information Act Request

Dear Mr. Wright,

This is a request for public information pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 *et seq.*, submitted on behalf of the Tri-State Water Quality Council (TSWQC). TSWQC is a 501(c)(3) non-profit, public interest collaborative organization working to protect and improve water quality throughout the Clark Fork-Pend Oreille watershed in Montana, Idaho, and Washington. We are headquartered in Sandpoint, Idaho.

The TSWQC hereby requests the following records: Any and all correspondence, memoranda, facsimile transmissions, reports, notes, electronic or other internal, external and inter-agency communication, and any other public records, relating to the on-going operations of Albeni Falls Dam from the time period covering January 1, 2005 through the present.

The following additional instructions apply to this request:

- the term "records" is to be given the broadest interpretation possible under the Freedom of Information Act, and includes any correspondence, memoranda, notes, or other documents, whether created by the Bonneville Power Administration or someone else, in draft, electronic, or other forms;

- the terms "and" and "or" should be construed to be both disjunctive and injunctive, as necessary, to give this request its broadest scope; and

- if you determine that any of the requested records, or any portions of the requested records are exempt from release, and you decide to withhold those records or portions of records, please identify and describe those records or portions of records and state the exemption that you feel applies. Please separately state your reasons for not invoking your discretionary powers to release the requested information in the public interest. Please also provide all non-exempt portions of any documents you decide to withhold.

The TSWQC requests that any fees associated with this request be waived pursuant to 40 CFR §2.120(d). The requested information will contribute significantly to public understanding of BPA's and other



S.J. Wright, BPA  
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agencies' duties, responsibilities and activities with respect to the operation of Albeni Falls Dam and the fluctuation of Lake Pend Oreille water levels. The information requested will benefit TSWQC and the citizens of Idaho and Washington because the documents will be used for public education and to encourage public involvement on important public policy issues.

The requested information will also enable TSWQC and others to determine the extent to which the BPA and other Federal entities are fulfilling their statutory and regulatory responsibilities under NEPA. This request is not being submitted for commercial purposes and the release of this information will not result in financial benefit to the TSWQC or any individuals, groups or organizations.

The language of the FOIA clearly indicates that Congress intended fees not to be a barrier to public interest organizations seeking access to government records. In addition, the legislative history of the FOIA fee waiver language indicates that Congress intended a liberal interpretation of the phrase "primarily benefiting the public." This suggests that all fees are to be waived whenever the release of information contributes to public debate on important policy issues.

Per the Paperwork Reduction Act, we request that the requested information be sent in electronic format directly to the TSWQC at the address on this letterhead. Please call 208-265-9092 or email to [tristatecouncil@sandpoint.net](mailto:tristatecouncil@sandpoint.net) if you have any questions about this request. As provided in the Freedom of Information Act, we will expect your response within 20 days.

Thank you for your consideration.

Sincerely,



Diane M. Williams  
Executive Director

cc: Pend Oreille Basin Commission